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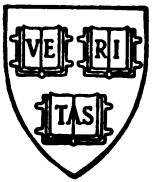

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THE CHURCH IN FRANCE

THE CHURCH IN FRANCE

TWO LECTURES DELIVERED AT
THE ROYAL INSTITUTION

BY

JOHN EDWARD COURTENAY BODLEY

CORRESPONDING MEMBER OF THE INSTITUTE OF FRANCE

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PREFACE.

THE work of a lecture is usually accomplished in the hour of its delivery. There seemed to be no reason why these lectures should make an exception to the rule, so at first I refused to have them printed excepting in the public press. But the many requests which were made to me, both by writers in the journals and by private correspondents, at last induced me to change my mind, for the following reason. It was after an illness, which for two years had stayed all progress in my long-promised work on The Church in France, that the lectures were given. I had hoped that their preparation might be the first step towards the resumption of a task, rendered more laborious by the fact that in the interval the ecclesiastical system in France had undergone a revolution. But the slight effort of writing and delivering the lectures laid me aside once again

for a month, and made it manifest that for many more months only a slow advance could be made towards the completion of a work begun nearly eight years ago.

It was pointed out to me that, meanwhile, although many people in England took a lively interest in the religious crisis in France, there was no book, large or small, in the English language to help them to understand the constitution of the Concordatory Church, now disestablished, or to follow the phases of the controversy, which has by no means come to an end with the passing of the Separation Law of last December. I therefore consented to the publication of the lectures in the hope that they may be of some little service to students of contemporary France, and that they may seem more satisfactory to the public than they are to the author. For in places a whole chapter of French history, the result of long labour and research, has had to be compressed into a single sentence; and while such brevity may be agreeable to the hurried reader, it makes

the writer conscious of a lack of proportion which is a feature of concise generalisation always apparent to the careful student.

With the exception of a few footnotes without importance and the modification of one passage the lectures are printed just as they were delivered. The rule of the Royal Institution forbids the discussion of controversial questions on its platform, and my cross-bench mind was well content with that restriction. For the two sides of a burning controversy cannot be summed up in a few words; and, moreover, easy as it is to criticise the excesses of clericals or of anti-clericals in France, it is less easy to foresee whither the issue of their latest and greatest battle will lead the Church and the nation. Only two things seem to be certain. The one is that the abrogation of the Concordat is the first serious breach made in the administrative fabric constructed by Napoleon, which for over a century has preserved France from anarchy through three revolutions and seven changes of régime. The other is that the

Separation Law, though the work of anti-clericals, is an Ultramontane Act. For the first time since the French people became a nation the Pope is the absolute master of the Bishops and Clergy of France. Gallicanism, long declining, has received its final death-blow, and Pius X. himself sang its solemn obsequies on Quinquagesima Sunday, when in his basilica of St. Peter at Rome he consecrated the first batch of fourteen non-concordatory Bishops, forming one sixth of the entire French episcopate, —being, it is said, the largest number admitted at one time to the pastoral office since the Day of Pentecost, when it was conferred on twelve overseers of an unestablished Church.

These results of disestablishment, however interesting to those who watch the evolution of modern France, are, it must be avowed, matters of indifference to the French population. Such considerations have affected few of the votes, given on either side, at the elections which are now confirming the policy of Separation. The

age of theories and of ideas is past even in the land of the great Revolution. Few Frenchmen, beyond a score or so of my learned colleagues of the Institute of France, are perturbed about the death of Gallicanism or the breach made in the great revolutionary settlement of the Consulate—though the latter may have some practical consequences in time of interior trouble. But the ordinary French citizen cares no more for these things than the average English elector dreads the removal of the Bishops from the House of Lords, though it would, by abolishing the First Estate of the Realm, destroy the basis of the British Constitution.

The English and the French nation are each undergoing a rapid transformation of character. We English have always been materialistic and practical in tendency, with our materialism tempered by our respect for tradition. The French at the Revolution abandoned tradition for ideas, and during the nineteenth century a basis of idealism has always been found in their acts. Twenty years hence the love of

tradition in an Englishman and idealism in a Frenchman will be as rare as either of those qualities are in a citizen of the United States. The French and the English temperaments will probably remain as different and as mutually unsympathetic as they ever have been; but the ways of thought of the two nations will approximate under the influence of the material consequences of modern civilisation. The psychological change which is operating in the French character seems to have taken its decided course from the artificial starting point of the beginning of a new century. The Dreyfus affair, which filled the latter years of the nineteenth century, was the last explosion of idealism in France. The extravagances of extreme partisans in that conflict, which took the form of pseudo-patriotism on the one side and of anti-militarism on the other, had each for its basis an idea. But when the storm had passed away, the nation seemed to have left behind in the old century all its idealistic heritage of the Revolution.

Although the Dreyfus affair was the chief contributory cause of the anti-clerical legislation which the French Parliament has enacted since 1900, the debates in the Chamber and the Senate on the Separation Bill bear out my belief that the age of ideas is past in France. I am probably the only person in the world who has read every word uttered in those debates. Even the industrious stenographers of the two French Chambers, who in their admirable daily work put to shame the perfunctory reports of Hansard, peruse only those fragments of oratory which they in turn take down. But the long hours of a tedious convalescence gave me an extended leisure for such light reading; and in the copious eloquence of Senators and Deputies I found little trace of one of its marked characteristics in the quite recent days when I frequented the tribunes of the Luxembourg and the Palais Bourbon.

No subject would, in the past, have given such occasion for the development of doctrine. Yet even when the Revolu-

tion was appealed to by Deputies, it was most often in a discussion of the financial aspect of disestablishment—as to whether or not the Budget of Public Worship was founded by the First Consul as a perpetual indemnity for the property of the Church nationalised in 1789. There was no struggle on either side to propagate, to maintain, or to confute an idea, such as that of "a Free Church in a Free State" which was heard of in every ecclesiastical colloquy under the Monarchy of July. After the first debates the Separation Bill was often discussed in an empty and languid house. But the benches became crowded and passions were roused whenever the material interests of the electorate were in question: when, for example, the privilege was at stake of the *bouilleurs de crû*, the untaxed rural distillers, whose ardent products prejudice the licensed industry of the towns, at the expense of the excise. Then it was that the Chamber was filled with angry tumult and *abyssus abyssum invocabat*, while clericals and anti-clericals of the

vine-country banded together to encounter the alliance of reactionaries and socialists from the cities of the north. Their fury recalled that of the bygone days when Frenchmen used to engage in mortal combat for an idea; but the strife of conflicting doctrine was assuaged under the more animating influence of material interest. This changed mental attitude of the French was reflected in the literature and oratory of the general election now proceeding. The anti-clerical candidates rarely appealed to abstract principles to justify the Separation Law. But they published statistics of the cost of pensions under that Act, to show that the Budget of Public Worship still remained a burden to the tax-paying elector, though gradually to disappear owing to their efforts.

The change was even more noticeable in the speeches in the Senate. For there, until ten years ago, the aged members who had taken part in the Revolution of 1848, and who in their youth had heard the cannon of "July," or had talked with survivors of

the Convention, delivered discourses which proclaimed France to be the land of the idea, and the example of the elders pervaded the whole assembly. In the debates of 1905 there was none of this on either side of the house. The speeches, in upper as well as in lower Chamber, violent or argumentative, might have been made in the House of Commons but for their literary form and their abundant historical allusion. Similarly, in other questions which now agitate France and which one day may lead to a revolution, the idealistic causes which were at work in 1830, in 1848 and in 1871 are never heard of now. The theory of the autonomy of the Commune is dead, though no reform has been made in that direction since the insurrection of the 18th of March. The influences, which are now active, to rouse the revolutionary elements in the nation, are the living wage, the working day of eight hours, and the regulation of strikes.

"Pourvu que Dieu me prête vie," I hope, in my forthcoming work, to examine

in detail this evolution, which seems to mark the opening of the twentieth century as a new era in the history of the French nation. That long interrupted work, though primarily dealing with the Church and religious questions, will take the form of a "second series" of *France*. Eight years have passed since that book first appeared, yet no week goes by without numerous references to it in the English or French press, which testimony of its lasting utility to students is a more than sufficient recompense for the labour of long years bestowed upon it. In the successive editions, English and French, the original text has not been altered, not even for the vigilant eyes of French critics. One of them, M. Jules Claretie, who became my friend in consequence of the book, though it contains passages to which a veteran Republican could not subscribe, wrote of it that it was, "un de ces livres représentatifs qui survivent à l'actualité et résument le caractère d'une nation à une heure de son histoire." It is for the reason indicated

by the eminent Academician that I have refrained from changing the text in new editions. But it happened that the hour at which I ended my first work marked the close of a national epoch, and the France of the young century is not the France of the last years of the old. So, if my health returns, it will need all its restored force for the completion of the new task.

The incomplete narrative in the following pages needs no commentary. To elucidate it an appendix has been added containing the Concordat, the Organic Articles, the Associations Law of 1901, and the Separation Law of 1905. The construction of a newly enacted law is difficult even for a legal expert, and in case I have erred in my summary interpretation of any provisions of the more recent of these statutes, the text will be at hand for those who wish to verify my exposition of them. If any readers have criticisms to offer they will be gratefully received, whether they appear in print or are sent direct to the author.

MAY 16, 1906.

LECTURE I.

IN case it should seem presumptuous for a layman, who is not attached to either of the religious communities hitherto recognised by the French Government, to lecture on the Church in France, there seems to exist a precedent in the annals of the Royal Institution which may justify my presence here. Just forty-one years ago Cardinal Wiseman was announced to deliver a lecture in this room on the succeeding Saturday, January 27th, 1865. The subject he had chosen was Shakespeare, and the occasion the tercentenary of the poet. Hence, if a Cardinal and Archbishop of the Roman Church might discourse on a national subject so far removed from ecclesiastical atmosphere, perhaps it may be permitted to a layman to speak about that Church at one of the great crises in its history. I should add that the Cardinal never

delivered his lecture, for he lay dying the day that he should have stood in this place; and his biographer relates that his last act before he was struck down by his fatal illness was to dictate a portion of it.* It is difficult to imagine an end more edifying, even for a Cardinal Prince of the Church, than to quit life preparing a lecture for the Royal Institution.

It is a rule of this platform that no controversial questions are permitted to be discussed upon it. The present ecclesiastical crisis in France bristles with points of controversy; and although I have sat for so many years upon the cross-benches of life that I may be trusted to treat with impartiality any political or religious thesis, here it is my duty to eschew all questions, arising out of the subject, which divide men's opinions either in France or in this country. That will deprive me of asking you to consider some of the most interesting phases of the crisis which

* *Life and Times of Cardinal Wiseman*: By WILFRID WARD.

religion is now undergoing in France. The recent recrudescence of anti-clericalism in the French nation; the influence of the Dreyfus affair on that development; the nature and operation of French Freemasonry; the causes of the indifference with which the population regards a revolution the like of which has not taken place for a hundred years—all these topics, most attractive to the student of the philosophy of history, must be passed on one side. The same silence must be observed on another controversial matter which is independent of the relations of Church and State. The criticism of the text of Holy Scripture by certain learned priests of the Roman Catholic Church, of whom the Abbé Loisy is the best known in this country, has called forth much polemic. Of it I will only say that although it is discussed less calmly by French ecclesiastics than our professors of religion are wont to debate cognate subjects, it creates infinitely less interest in France than in England, where in certain circles the Abbé Loisy

is much better known than in the corresponding society of his native land.

The time at my disposal will, however, be fully occupied by, first, an exposition of the Concordat of 1801, the abrogation of which is the basis of the Separation Law enacted in December, 1905, and which is necessary to understand in order to comprehend the effect of that Act; secondly, a brief sketch of the material, social, and administrative position of the Church under the Concordat; and, thirdly, an equally short explanation of the provisions of the Separation Law.

Protestants and Jews in France.

I propose to confine my remarks to the Roman Catholic Church. French Protestantism, of which there are two branches, the Reformed Church and the Augsbourg Confession—the latter chiefly found in the East near the Swiss frontier—is a highly interesting subject. The Protestant community, by its intelligence and activity, has an importance in France out of all proportion to its numbers, which are less than 600,000 in a population of about 39,000,000

—that is, about 1½ per cent. As barely 700 Protestant places of worship are affected by the Separation Act, as compared with 40,000 Catholic parish churches, the disestablishment of the Protestant religion touches only a minute proportion of the nation. When one considers that a single English Nonconformist sect, and that by no means the largest—the Congregational denomination—has in Great Britain nearly 5,000 places of worship, the position and power of the handful of French Protestants appear the more striking. I will only add that French Protestantism is mainly a matter of geography and heredity. Eighteen departments do not contain a single member of the Reformed Churches; while in each of nineteen others one place of worship suffices for their needs. Of the Jews, whose existence in France has been a contributory cause of the separation of Church and State, I need say no more than that only fifty-seven rabbis were inscribed on the Budget of Public Worship, a figure we may compare with the two

hundred Hebrew ministers in the United Kingdom.

The Parliamentary "Reports" on the Separation of Church and State.

The history of the Catholic Church in France is a somewhat lengthy subject, being the history of Christianity in Western Europe. This has been recognised by the promoters of the Separation Law. The procedure in French legislation differs materially from that of the British Parliament. A Bill, even when introduced by the Government, is submitted to a small Committee of each House, which reports upon it, and if it thinks fit, redrafts it. Consequently a Government Bill, when discussed in each Chamber, is only secondarily in the hands of a Minister, but is in charge of the President and the "Reporter" of the Commission. The latter is a most important personage. It is his function to write an essay on the subject of the Bill, called a "report," which in the case of an important measure, attains colossal proportions. Thus, during the pas-

sage of the Separation Bill through Parliament the Minister of Public Worship played only a minor part, while the Prime Minister of France took practically no part at all—actually never opening his lips during the long debates in the Senate, of which he is a member. In the Chamber the chief defence of the Bill fell upon the reporter, M. Aristide Briand, deputy for Saint Étienne, a private member, who found fame—as Paul Bert did on a similar occasion—by his report on the project of law, the same office being performed in the Senate by M. Maxime Lecomte. In his voluminous report M. Briand traced the history of the Church in France from the baptism of Clovis, the fourteenth centenary of which will shortly be celebrated by the faithful; while the reporter in the Senate, less ambitiously, did not extend his researches to beyond the Pragmatic Sanction of Bourges and the Concordat of 1516. The labours of those anti-clerical reformers present an unintentional tribute to the long tradition of the Church in France and to the continuity of

its history. The purpose, however, of these politicians was rather to call to mind the constant conflict in the history of France of the temporal with the spiritual power, and also the impatience displayed in the past, not only by monarchs and statesmen, but by the clergy, against the domination of the Holy See. That sentiment, in its development known as Gallicanism, was formerly a characteristic of the French Bishops and secular clergy, which, though now little remains of it, was still a force in the Church in France until long after the Revolution.

Time forbids that I should try to imitate the extensive though superficial view of the Reporters in the French Chambers. But as the ecclesiastical crisis in France is due to the rupture of the Concordat of 1801, it is necessary to explain not only the nature of that instrument, but the occasion of its production.

The Concordat of 1801 is often said to be the re-establishment of religion in

France by Bonaparte after the Revolution. As that description is not always accepted either by clericals or anti-clericals, we had better glance at the great breach which took place in the history of the Gallican Church when the ancient monarchy fell, bringing down in its ruins all the institutions of France.

The Concordat.

Three weeks after the fall of the Bastille, on August 4th, 1789, took place the famous all-night sitting of the National Assembly, during which the representatives of the first Estate, the clergy, renounced their privileges and surrendered to the nation the tithes, which were calculated to produce annually 80 millions of francs, equivalent to 4 millions sterling at the present day. A large number of the clergy at that period, especially in the lower ranks, were enthusiastic partisans of the Revolution. Before the end of the month liberty of religious opinion was decreed. The revolutionary movement swiftly went beyond the reforms desired by the majority of the reformers among the clergy. On

The Church during the Revolution.

November 4th, after the Assembly had migrated from Versailles to the archiepiscopal Palace in Paris, it decreed all ecclesiastical property to be at the disposal of the nation, for the support of public worship, the maintenance of the clergy, and the relief of the poor. On February 13th, 1790, on the proposition of the Abbé de Montesquiou, monastic vows were suppressed in the kingdom; and on April 13th the Assembly, on the motion of the Duc de la Rochefoucauld, refused to recognise the Catholic religion as the religion of the State.

The Civil Constitution of the Clergy.

Just within a year of the outbreak of the Revolution the Civil Constitution of the clergy was passed,* an enactment which, as Mme. de Staël said, the Catholics would not have and the philosophers did not want. It reflected the growing democratic spirit of the Revolution and the extreme aspirations of Gallicanism; for it disestablished the Pope in France and made the Bishops and parish priests the elective representatives

* Loi du 12 Juillet, 1790.

of the administrative constituencies recently created for civil purposes, the dioceses being adjusted to the newly-formed departments which had taken the place of the ancient provinces. Under it canonical institution was conferred on the Bishops by the Metropolitans, who were prohibited from obtaining confirmation from the Pope, but were permitted to announce their appointment to him as the visible head of the Church Universal, in testimony of unity of faith and communion.

No other act of the Revolution, neither the appropriation of the lands and revenues of the clergy, nor their subsequent persecution, nor their emigration, nor the anti-Christian measures of the Convention and the Directory, caused so great a breach in the unity of the history of the Church in France, or was responsible to the same extent for the anarchical state in which Bonaparte found it at the beginning of the nineteenth century, as this statute which was passed with the sanction of the last king of the ancient monarchy. The Con-

stitution was never accepted by the Holy See. It was repudiated by Pius VI., who was destined to die on French soil, the victim of the Revolution. At Valence, a picturesque city on the Rhone which thousands of English people rush past every winter without stopping, the register of his death may still be seen in the municipal archives, where it is inscribed, after the manner of the time, as of one "Jean Braschi," who followed the profession of "Pontiff."

The Civil Constitution of the Clergy might have been a successful experiment in the days of Port Royal and of Bossuet, when Jansenism and Gallicanism were the two most powerful forces in the French Church. In the revolutionary period it was doomed to failure. While in the ranks of the clergy who accepted the law were found some who, in the words of an eminent living French prelate, Cardinal Mathieu, "formed an *élite* of men of learning, of irreproachable and austere morals, who seriously counted on reforming the Church

by impregnating it with the spirit of the Revolution,"* the most conspicuous initiators of the reform were apostate clerics, — like Talleyrand, the most brilliantly successful renegade of any age, Sieyès, the regicide, who tried to be the rival of Bonaparte, and Gobel, whose atheistic extravagances were too much even for the Terrorists, who guillotined him a few days before the Convention officially recognised the existence of a Supreme Being and the immortality of the soul.

The Revolutionary Separation of Church and State.

In the same year, 1794, the Convention separated Church and State, the schismatic Church thus losing its privilege and its revenues. After the Terror, from 1795 to 1797, there was some renaissance of religion, and the emigrant priests began to return. But in the latter year, after the suppression of the reactionary movement in Paris by the Directory, the clergy suffered severely under the Fructidorian persecution —so called from the date on which the

* *Le Concordat de 1801.* Par le Cardinal Mathieu, 1903.

counter-revolution was checked, 18 Fructidor An. 5 (September 4th, 1797). One of the forms which this persecution took was known as "*la tyrannie décadaire.*" Under the revolutionary calendar, which in 1793 substituted for the Christian era the era of the Revolution, dating from September 21st, 1792, the month was no longer divided into weeks, but into three periods of ten days, the last of which was called the *décadi* and was appointed the day of rest, taking the place of Sunday. It was this regulation which the Directory put rigorously into force. The Revolution, though it had become essentially anti-Christian, had remained religious, and the patriotic rites prescribed for the *décadi* not only upset pious usages, but disarranged social habits. That on one day in ten instead of on one day in seven the people should be enjoined to rest from their labours, to don their best clothes, and to meet for a common purpose in the village or market town was an intolerable innovation. Sunday is not an exclusively British

institution. In France a century ago, as now, in regions where men rarely set foot in a church except for baptisms, first communions, marriages, and funerals, Sunday was for the peasants the day of reunion outside the church while the women and children were at Mass, when the markets, the crops, or the vines were discussed before the mid-day meal, which preceded the rustic fête or the village game of ball.

The irritation provoked by such a change as this is quoted as only one of the many causes of the reaction in favour of the Church which Bonaparte found at work when he returned from Egypt in 1799. One cannot generalise on the causes of the counter-revolution. While the fiscal grievance was the great motive-power of the Revolution all over France—the inequitable incidence of taxation—the causes of the counter-revolution were manifold and differed according to the local characteristics of the provinces. There was, however, one prevailing feature found in every

The advent of Napoleon and the counter-revolution.

locality — anarchy in each department of the State, in the Church, in education, in taxation, in the administration of the law, in local government. Then it was that the young General of thirty returned from distant battlefields, on which he had given prestige to the Revolution, while at home its civil representatives were discrediting it, and revealed himself as the greatest constructive and administrative genius the world has ever seen. After making the *Coup d'État* of Brumaire in November, 1799, when he dismissed the feeble and corrupt rulers of the Republic, he made himself First Consul and commenced to evolve order out of the chaos which threatened to blot out the existence of France as a nation. The same mind which organised the University, the judicial system and the fiscal system, which enacted the Civil and the Penal Codes, which, in fine, founded or reorganised every great national institution which forms the framework of French government in the twentieth century, set to work to regulate the

relations of Church and State by an arrangement which subsisted until December 31st, 1905.

This task was perhaps the most difficult that Napoleon had to fulfil. In the regions where the populations were most attached to the Church, notably in Brittany and the Vendée, the causes of the throne and the altar were most intimately associated. How could the First Consul, who was the incarnation of the Revolution, and whose military career had been protected by the Jacobin party, encourage the revival of religious practices which in a large portion of the territory were associated with the possible restoration of the ancient monarchy? After six months of interior organisation in which Napoleon grew in popularity, as a liberal autocrat who had re-established order after the tyrannical anarchy of an elected representative body, his opportunity came when Austria gave him a plausible pretext for essaying a new success on the scene of his early victories in Italy. Marengo was the complement of

Brumaire, and there was no doubt about the effect of a victory won over the nephew of Marie Antoinette (one day, indeed, to become Napoleon's father-in-law), who was the only important Catholic monarch in Europe, and the foremost representative of the hereditary monarchical idea.

The Revival of Catholicism in France.

Marengo, which revived the success of the Republican army, grown demoralised under the incapable government of the Directory, was fought on June 14th, 1800. There was at this moment a strong movement in France in favour of the old religion. All efforts at dechristianising France as a nation had failed. Neither the crude atheism of certain revolutionaries, nor the worship of the Supreme Being invented by Robespierre, nor the fantastic theophilanthropy connected with the *culte décadaire*, which we have noticed, had any following in the land. The scepticism of the philosophers remained, as it was destined to remain, an ever-powerful element in the mentality of France. But philosophers were not

popular at the dawn of the nineteenth century. They are excellent in times of order, to indicate the absurdity of an existing system of government; but when there is no government to criticise, and anarchy has succeeded the putting into practice of their doctrines, they have less authority as saviours of society. So Napoleon refrained from calling to his counsels the idealogues, as he styled them. With his mind set on the reconstruction of France, he recognised the necessity of conciliating and organising the religious sentiment which existed in the nation and he resolved to find a lasting solution of the problem.

In this gigantic task Napoleon was disturbed by no religious predispositions of his own. He had none of the bitterness of the renegade, and little of the superstitious respect for the faith of his fathers which often is found in the minds of the most irreligious. In the marvellous edifice of government which he was constructing he regarded public worship as an essential apartment, and his reserving a place in it

for the Protestant confessions and, subsequently, for the Jewish religion showed how detached and impartial was his view of its functions. Of this detachment he was wont to boast. A year after the signature of the Concordat, he denied that he was a "Papist," to use his own expression; but to prove that he was nothing (*rien*) he declared that in Egypt he was a Mussulman*—a somewhat exaggerated statement. Again and again his regret is recorded that the sentiment of the nation would not permit him to follow the example of Henry VIII., and found a statutory Church, of which the head should be the chief of the French Government.† The failure of the Constitutional Clergy to win either esteem or popularity showed him that it was useless to try to establish a Church which Rome considered schismatic, and his penetrating observation told him that Protestantism was not in conformity with the temperament

* Thibaudeau: 21 prairial an. X.

† Pelet de la Lozère: Consalvi: &c.

and traditions of the French. The detachment of his view was strengthened by the fact that he was a foreigner without a drop of French blood in his veins, who, when he came back from the East to be the absolute ruler of France, had spent in France, man and boy, only fourteen years. That this, combined with his intuitive genius, enabled him to judge more clearly the wants of France is shown by the durability of his constructive work both in Church and State.

Before Marengo the First Consul had relaxed some of the restrictions in force against the Catholic religion, and after the battle he was present at a *Te Deum* sung in Milan Cathedral in celebration of his victory. These acts showed the direction his purpose was taking, and sixteen days after the battle, before he re-crossed the Alps, a letter which he instructed the aged Cardinal Martiniana, Bishop of Vercelli, to write to the Pope formed the first basis of the negotiations which led to the Concordat of the following year.

If time permitted, it would be interesting to trace the course of those negotiations. The obstructive intrigues of Talleyrand, who had no desire for an arrangement with the Church, of which he had been a prelate, and the arguments of Grégoire, the Constitutional Bishop who was attached to the revolutionary schism, alone form a curious chapter of history. It must suffice to say that the Concordat was signed at Paris on July 15th, 1801. The plenipotentiaries of Pius VII. were Consalvi, his Secretary of State, the most conspicuous Cardinal of his time, though he never took priest's Orders, who afterwards came to England with the allied Sovereigns in 1814, and whose portrait hangs at Windsor; Spina, titular Archbishop of Corinth; and Caselli, the Pope's theologian who was general of the Servites. The signatories on behalf of the First Consul were his brother, Joseph Bonaparte; Crétet, a Councillor of State, a financier who had enriched himself by the acquisition of the confiscated Chartreuse of Dijon; and Bernier, the royalist soldier-priest who had

betrayed his chiefs to the Republicans in the war of the Vendée. Thus, of the eight persons, including the principals, responsible for the text of the Concordat, six were of Italian race and only two were French. It may be noted that the word Concordat, derived from the Low Latin *concordatum*, is not found in either the Latin or the French version of the instrument. It is there called *conventio* or *convention*, Concordat being the traditional name for previous treaties between French rulers and the Holy See, which had been adopted by Voltaire and other classical writers.

The Concordat.

There are few documents of equal importance which are as brief as the Concordat of 1801. It contains only seventeen short clauses. Its chief provisions are that the Roman Catholic religion should be freely and publicly practised in France, subject to rules which the French Government should deem necessary in the interest of public order; that the First Consul should nominate the Bishops and the Pope confer canonical

institution, — the Bishops, and also the clergy, taking an oath of obedience to the Government. The presentation to parochial cures was given to the Bishops, their nominations being subject to the approval of the Government, a provision which I shall have to explain later on. The Holy See undertook not to disturb in their possession the purchasers of ecclesiastical property alienated at the Revolution, and the Government guaranteed a proper salary to Bishops and parochial clergy, though it is to be observed that these conditions are not inter-dependent. The Government undertook that French Catholics should have the power of founding endowments (*fondations*) for the benefit of churches, but this faculty has been greatly limited by the common law of France and by statutes which correspond to our Mortmain Acts.

The Pope recognised the First Consul of the French Republic as possessing the same rights and prerogatives as those enjoyed by the ancient monarchy, none of which are specified, but which included

the right of having an Ambassador at the Vatican, of jurisdiction over French establishments at Rome, of intervention in the nomination of French Cardinals, and of entry into all monasteries. Among the honorary privileges thus confirmed to the rulers of France was a canonry of St. John Lateran. Hence it was M. Loubet's practice each New Year to write a polite letter, by the hand of M. Delcassé, to his colleagues of the venerable Chapter, and the very first consequence of the passing of the Separation Law was that in December 1905 he was solemnly deprived of his stall. Similarly, when the *Journal Officiel* in the last days of 1905 announced the ceremony to be observed at the Elysée on New Year's Day 1906, for the first time for a hundred years, the notification was omitted that at the reception of the diplomatic body the chief of the State would be supported by the Cardinals as well as by his Ministers.

The final clause of the Concordat provides that, in the case of the chief of the State not being a Catholic, his preroga-

tives last mentioned, and also the right of nominating to vacant sees, should be regulated by a new convention. Since 1801 all the chiefs of the Executive in France whether styled Emperors, Kings, or Presidents, have been nominally Catholics, though no President elected under the Constitution of 1875 has been a practising Catholic. The clause seems to have had in view the possibility of the chief of the State being a Protestant, and its operation would have been interesting had M. de Freycinet's candidature for the Presidency been successful in 1887, he being a member of the Reformed Church. It should be noted that there is no mention of monastic orders in the Concordat, its aim being to regulate the relations of the secular clergy with the State.

Such is the Concordat, which, until the end of 1905, subsisted between France and the Holy See. It has been bitterly criticised both by Catholics and philosophers, by Jacobins as well as by Clericals. Napoleon's first Ambassador to Pius VII.,

Cacault, an old Breton revolutionary, who as a Breton revered the Pope, and who as a revolutionary admired the First Consul, described it as the work of a hero and of a saint. But it was more than that. Although drawn up under circumstances of the greatest difficulty, it was a work of the highest ability, and one of the most valuable diplomatic acts of the century, with all its defects. Attacked in turn by extreme men of all parties, its excellence has been proved by its having lasted through seven separate régimes for a hundred and four years, as a *modus vivendi* in France between the ever antagonistic powers of the spiritual and the temporal.

The Concordat was supplemented by the Organic Articles, which have been ardently criticised by many Catholics who approved of the former. They are no less than seventy-six in number, and form the clauses of an Act known as *la Loi du 18 Germinal An X.*, it having been passed on April 8th, 1802, three days after the

The Organic Articles.

ratification of the Concordat by the Corps Législatif. It is necessary to speak of them for a moment. The first clause of the Concordat provides that the practice of the Catholic religion "shall be public, in conformity with the regulations which the Government shall deem necessary in the interests of public order." The phrase I have translated by "regulations" is *règlements de police*, "police" being rendered *politiam* in the Latin version. *Politia* is not found in classical Latin except as the equivalent of the Greek word of identical sound πολιτεία, and *police* in French has a wider meaning than the same word in English. All the same, the expression *règlements de police* has not a pleasant sound to French ears. It suggests a supervision by the civil power not quite in accordance with the principles of liberty. The Organic Articles were the official interpretation of that expression. They were the work of Portalis, the eminent jurist, who is best known as being chiefly responsible, with the illustrious Tronchet,

for the Civil Code. He was Napoleon's Minister of Public Worship, but in the view of Catholic critics of the Organic Articles, he would have been more appropriately a Minister of Louis XIV.—that is to say, he was imbued with the spirit of Gallicanism and of Jansenism of a century earlier.

The regulations are wide in scope and diffuse in style, differing in the latter particular from the Concordat, which is as concise as one of Napoleon's harangues to his soldiers. The Articles deal with the jurisdiction of the Holy See, ecclesiastical discipline, the areas of provinces, dioceses, and parishes, liturgy, catechism, dogma, and salaries. No Bull or other document emanating from the Vatican, even when addressed to private individuals, may be published in France without the consent of the Government; no synod or other ecclesiastical assembly, national or diocesan, may be held without its express permission. No Bishop may go outside his diocese without the authorisation of the Chief of

the State. The professors in the seminaries must subscribe to the famous Gallican Declaration made by the French clergy in 1682 and undertake to teach its doctrine. All ecclesiastics must dress in black, Bishops being permitted to wear the pectoral cross and violet stockings. Sunday is proclaimed the official day of rest, but all ecclesiastical documents are to be dated according to the revolutionary calendar. The latter regulation soon became a dead letter when the Christian era was re-established just a hundred years ago, in the second year of the Empire, as did also another which permitted the Archbishops and Bishops to add the title of "citoyen" to their names. Others were ignored, such as that which enacted that only one liturgy should be used throughout France. It is only in recent years that the Roman rite has taken the place of the "Use of Paris," the "Use of Lyons," and other provincial liturgies.

As a whole, however, the Organic Articles remained in force as the comple-

ment of the Concordat. Catholics have complained that they were not formally ratified by the Holy See, which never ceased to protest against them; and this position has been adopted by the Vatican in the White Book published in December, 1905, on "The Separation of the Church and the State in France." It is an old story, which M. Thiers described as "an historical falsehood" in a famous speech in the Chamber of Deputies in 1845, in which he declared that all that the Holy See objected to in the Organic Articles was to be found in the writings of Bossuet. It is a controverted question on which I may not pass judgment here. I will only say that when, under the Restoration, the clerical party was in power the Organic Articles were left practically untouched, excepting as regards a re-arrangement of the dioceses and an increase of the episcopate in 1821, to which I shall refer later. Critics of the Organic Articles also say that they were imposed upon the Holy See surreptitiously and by fraud. That proposition cannot be

accepted. Napoleon, no longer the liberal autocrat of the early Consulate, became more and more arbitrary in his dealings with the Church as time went on. His policy towards the Holy See was one of frank brutality, which disdained the resources of fraud and dissimulation. In effecting his policy, which was one of the causes of the clerical reaction after his fall, he forced the Holy See to accept his absolute will in matters much more abhorrent to it than a statutory scheme to revive the Gallican theory of the age of Bossuet. The release of Talleyrand from his sacerdotal vows, the forced journey of Pius VII. to Paris to take a minor part in the coronation of the Emperor, the divorce of Josephine, succeeded by the blessing of the Church given to his marriage with Marie-Louise of Austria, the imprisonment of the Pope—all these were the acts of a masterful autocrat, not of a fraudulent intriguer.

If time permitted, it would be interesting to trace how under the Concordat the

clergy lost all trace of their Gallican independence, in spite of the Gallican origin and tendency of the Organic Articles, and became an entirely Ultramontane body. It is only possible to glance hastily at the bare outlines of the history of the Church in France during the dissimilar régimes which succeeded the First Empire, under which the Concordat remained the durable basis of the constitution of the Catholic Church, and of the relations between the temporal and the spiritual power.

The Concordat under succeeding Régimes.

Under the Restoration one important change took place. By the charter of 1814 Roman Catholicism became the official religion of the State, but liberty for other persuasions was guaranteed. The Concordat was attacked in vain, and three attempts to supersede it by new conventions failed, the Gallican Louis XVIII. and the Ultramontane court of Rome being unable to agree. With the Monarchy of July the alliance of the throne and the altar ended.

Restoration and Monarchy of July.

The revised Charter of 1830 displaced the Roman Church as the religion of the State, and put it back in its position, settled by Napoleon, as one of the religions recognised by the Government. The early days of the reign of Louis Philippe were marked by popular hostility to the Roman Catholic Church, the like of which has never been seen under the anti-clerical Third Republic. The new monarchy clung to the Concordat as an instrument of religious pacification, and its most conspicuous opponents were found in the ranks of the Catholic Church, which at that period counted among its clergy and faithful laity a larger number of illustrious French names than at any time since the great ecclesiastical epoch of the reign of Louis XIV. It was then that Montalembert, Lacordaire, and Lamennais put forward the vain ideal, chimerical in centralised France, of "A Free Church in a Free State."

When the revolutionary Monarchy fell in 1848 the clergy were among the fore-

most to welcome the Second Republic, and the traveller in provincial France may still see the trees of liberty, the planting of which in the market-places they publicly blessed. The Second Republic was the happiest period for the Church in France since the ancient monarchy. It produced in 1850 the famous *Loi Falloux*—so named after the Minister who was one of its authors—which for thirty years made the Roman Catholic Church predominant in public education. It abolished the monopoly of the "University." It is not generally understood in England that in France the term "University" does not mean a place of education, but signifies the teaching body in Government establishments of superior and secondary education. In recent years a new meaning has been given to the word in a scheme of educational decentralisation, and the name is now officially applied to the faculties of the seventeen academical districts into which France is divided, so that one may speak of the University of Nancy,

Second Republic.—Loi Falloux.

the University of Montpellier, and so on. But in ordinary usage the term University retains its old meaning. The *Loi Falloux* consequently abolished the monopoly of the State in secondary education, and gave to every one the right to open schools in competition with the public schools. It is a complicated subject, not to be explained in a few words. It must suffice to say that in 1849 a Commission was formed, to settle the lines of the proposed legislation, which included Lacordaire and Dupanloup representing the Church, Thiers the State, and Victor Cousin the University. Their deliberations dealt with primary as well as secondary education, and such was the liberalism of the representatives of the philosophic traditions of the Revolution, that both Thiers and Cousin recommended that the priest should have an active supervision in all branches of elementary education.

The chief opponent of the measure was Louis Veuillot, the famous Ultramontane journalist. But there is not an Ultramontane priest or layman now alive in France

who would not give half he possessed for a return to the system of the *Loi Falloux*. The policy initiated by it so developed the influence of the Church under the Second Empire that Catholic teaching became compulsory in primary schools, the majority of the teachers being members of religious orders, and the minor diocesan seminaries became important secondary schools, rivalling the Government *Lycées*, many of which also were under clerical influence. Thus for thirty years—from 1850 to 1880—the education of the youth of France was to a preponderant extent in the hands of the Church. The impartial spectator of the history of France cannot but be amazed that a generation thus trained has produced so few competent men to defend the Church when troublous times arrived, or, by their character and intelligence, to have guided the clerical party into a policy of prudence.

Second Empire.

Of the Church under the Second Empire there is little more to be said. The nephew of the First Consul was obviously a partisan of the Concordat.

Napoleon III.'s inconsistent policy with regard to the temporal power of the Pope deprived him of the gratitude which the clergy owed him for their privileged position during his reign, when with one hand, by his alliance with Victor Emmanuel, he hastened the absorption of the Papal States by Italy, and with the other he kept the Italians out of Rome with the bayonets and cannon of the French garrison, which the Franco-Prussian war removed for service nearer home.

Third Republic.

In the early days of the Third Republic the position of the Church in France was even more favourable than under the Second. But instead of consolidating their power the Catholics irretrievably dissipated it. In a recent pamphlet, entitled *Why the Catholics have Lost the Battle*, the author, a French priest, the Abbé Naudet, wrote :—"Thirty years ago in this land of France the Catholics were in power. They had money and influence, the functionaries, the Judges, the Army,

a great majority in Parliament, the Ministers, and the Chief of the State. The anti-Clericals were a minute and feeble minority. After thirty years the Catholics have lost everything excepting their money."* The language of the good Abbé is somewhat exaggerated; but it is true that when Marshal MacMahon became President of the Republic the Catholics had all the cards in their hands. Unhappily, they planted no more trees of liberty, which had borne them such abundant fruit after 1848; but they identified themselves with the most inept political party that ever irretrievably wrecked a powerful cause. Allied with the Monarchists, they shared their failure and their unpopularity. The latter they increased by their adoption of a foreign policy so inopportune as to seem unpatriotic. France was worn out and mutilated with the war. Bismarck was jealously watching for a pretext to interrupt the recuperation of French energy with a new invasion, from

* *Pourquoi les Catholiques ont perdu la bataille.* Par L'Abbé Naudet, 1904.

which France would never have recovered; and the Clericals chose this moment to risk a quarrel with Italy by demanding the restoration of the temporal power of the Pope.

"Sauvez Rome et la France au nom du Sacré Cœur"

was a melodious refrain chanted all over France at that period. But it provoked another phrase, less lyrical but more incisive, that Clericalism was the enemy, which, unhappily for the Church, went deep into the hearts of the French people. The democratic leader who uttered it was Gambetta, whom the mistakes of the Monarchists soon enabled to establish effectively the Republic; but at that time his fame was chiefly that of a great patriot. His predispositions were, doubtless, anti-clerical. Yet he had in him such elements of Conservative statesmanship that, as an old Canon of Cahors, his schoolfellow at the Petit Séminaire of that city, said to me when I was there during the Ministry of M. Combes, if Gambetta's life had been

spared he might have become the protector of the Church in France.

One thing is certain, Gambetta was a staunch defender of the Concordat. During the anti-clerical reaction, after the retirement of Marshal MacMahon, when elementary education was laicised and the unauthorised teaching Orders interdicted, there was never any question of abrogating the Concordat. Paul Bert, whose name is associated with that of Jules Ferry in the anti-clerical legislation of that time, wrote a most important "report" on the separation of Church and State, dated March 31st, 1883, of which the conclusion was that the maintenance of the Concordat had been of undoubted benefit to France, and that the separation of Church and State would be fraught with great public danger. On the other side the most powerful defender of the interests of the Church was not a Monarchist, nor a Catholic, nor even a Christian. It was Jules Simon, an old Republican and Liberal, a philosopher, the pupil of Victor Cousin, who in the name

of liberty protested against the centralising State imposing statutory restrictions on the freedom of education. To-day the name of Liberal is adopted in France by many politicians who are merely reactionaries. But though the Liberalism of the Monarchy of July has disappeared with the last survivors of that epoch, and, unhappily, is no longer an influence in French politics, its spirit lingers among the older Republicans, and the most effective voice raised in Parliament against the Separation Bill did not belong to the Clerical party. It was M. Ribot, a former Prime Minister of the Republic, and not a practising Catholic, whose attacks on the Bill were most formidable, and who alone of the Opposition succeeded in amending it in the direction of liberty.

The anti-clerical reaction was followed by the Boulangist movement, and here again the clergy and the clericals attached themselves to the losing side. On last New Year's Day, according to the amiable custom of France, I received a number of letters

from French Bishops. One of them was from the Archbishop of Rouen, Mgr. Fuzet, a prelate of rare prudence and foresight, who, because he rallied to the Republic in the spirit as well as in the letter of the pontifical injunction of Leo XIII., was attacked for years by journals which circulate widely among the clergy as though he had been convicted of immorality or of heresy. Mgr. Fuzet drew my attention to a pastoral letter which he addressed to the clergy of his diocese, the day after the Separation Bill had become law. In it he made use of these words:—"In France the intervention of the clergy in political affairs has always been fatal to the Church."

The Church might have suffered more severely for its association with the Boulangist adventure but for the wisdom of its Head, whose opinion was precisely that formulated by the Archbishop of Rouen. Wearied of seeing the Church always identified in France with political failure and with unsuccessful enterprises against the Republic, the Pope, who was an old diplo-

matist of penetrating sagacity, enjoined the faithful to accept the existing order of Government.* Save for some resistance to the Papal injunction among the Royalist laity, which displayed their hereditary Gallican spirit, there ensued a period of comparative peace in the relations of the Church and the Republic. The Pope was then eighty-two, and it would have been a mercy for the Church had he been twenty years younger, so that he might have lived to be at the helm in the seas of trouble which were approaching. So successful was the policy of the aged statesman that eight or nine years ago I wrote with perfect accuracy that anti-clericalism was out of fashion in France. But the Dreyfus affair was about to disarray the nation. Even had Leo XIII. been in the vigour of age his task would have been difficult in the long crisis which ensued. For there was no question then of adherence to, or dissent from, the Republican idea. The vast majority of the nation — Republicans

* February 16, 1892.

and reactionaries, Clericals and free-thinkers —were of one mind on the Dreyfus affair, and the contrary opinion was held by only a small minority. Of this we have the testimony of M. Anatole France, one of the most distinguished members of that minority. He describes how, in a commercial city of 150,000 inhabitants, there were only three Dreyfusards—one being the immortal M. Bergerat—while on the other side were, not only the clerical, military, and monarchical elements, but the extreme Jacobins and free-thinkers.

I refrain from entering into the merits of that controversy, and will only say that, when the French people discovered that they had gone mad over it, the Clerical party became, in a measure, the scapegoat for an infatuation which it had shared with nine-tenths of the population. No doubt many of the clergy, notably in the religious Orders, threw themselves, with imprudent ardour, into a strife from which they would have done better to keep aloof.

The Growth of Anti-Clericalism.

In this connection, it may be pointed out that England is not the only land where political bogies are used in times of excitement. There are two especially dear to the two extreme parties in France—Freemasonry on the one side, and the Society of Jesus on the other. It was the turn of the Jesuits to be held up as a scare to the nation—now in the nervousness of convalescence. This is not the place to discuss how much they had to thank themselves for it. Another religious Order, of less historical fame, found notoriety in the scurrility of its journals, which attacked the Government with violence such as would not have been tolerated for a day under the Empire.

These were some of the causes which roused the hostility which is always latent in the majority of French minds against religious associations. In my next lecture I shall have something to say about the general mental attitude of the French towards the principle of association which has no counterpart in our national sentiment.

Here I will only say that M. Waldeck-Rousseau, who had come back to politics, at great pecuniary sacrifice, to rid the nation from the nightmare of the Dreyfus case, having accomplished that task, decided, with the approbation of the country, as was shown by the general election the next year, to regulate definitively the question of Associations, lay and religious. This he essayed to do by the Law relating to the Contract of Association of July 1st, 1901.

When the electorate, by a great majority, confirmed this policy in 1902, M. Waldeck-Rousseau resigned the Premiership. It is now known that the illness which ended his life was the reason of his seeming desertion of France at an hour when his prudent statesmanship was sorely needed. The elections had largely increased the Socialist party in the Chamber, and that party in a country of small proprietors, where the distribution of wealth is less uneven than in England, has not yet had much scope for its energy in attacking the principle of property. Consequently the Socialists in

Parliament have acted primarily as the extreme Left wing of the anti-clerical Radicals. Their anti-religious zeal might have been restrained under the direction of M. Waldeck-Rousseau, whose cold detachment and dispassionate strength made him the ideal leader of French democracy. But his successor, M. Combes, had none of his impartial qualities. Under him the Associations Law was applied in a manner not anticipated by its author, and was, moreover, supplemented by other legislation, which included the Law of July 5th, 1904, suppressing the teaching Orders. Amid all this Leo XIII. had died.* The new Pope, a prelate of exemplary piety, was inexperienced in politics and diplomacy, and unacquainted with the people of France and its language. He found himself face to face with a French Prime Minister of unconciliatory attitude towards the Church of which he had once been a minister. The result of that combination is too recent to be treated historically. All that

* July 20, 1903.

can be said of it here is that the visit of the President of the Republic to Rome,* which caused the rupture of diplomatic relations between France and the Vatican, took place at the most unfortunate conjuncture of events it is possible to imagine.

The abrogation of the Concordat and the separation of the Church from the State, which followed from that rupture, was caused not by any irresistible wave of opinion in France, but by a series of accidents. Had sickness and death not removed M. Waldeck-Rousseau† and Leo XIII., it is humanly improbable that the Church in France would now be disestablished. Had not Austria at the Conclave, by its ancient right of veto, prevented the election of Leo's pupil in diplomacy, Cardinal Rampolla, whose friendship for France provoked that veto; and had M. Rouvier, an Opportunist of the school of Gambetta, like Waldeck-Rousseau, become Prime Minister earlier, the Concordat with

* April 24, 1904.

† *d.* August 10, 1904.

its peaceful record of a hundred years might have been preserved.

For rarely in the history of free peoples has there been a similar case of legislation, so revolutionary and so wide-reaching in character, being passed without a strong popular demand. No such demand has been made by the French nation, which has looked on with indifference while this great change has been effected, in no sense, however, disapproving of it. For when one-third of the Senate submitted to its triennial re-election a few days after the law came into effect, the electoral colleges sent back to the Luxembourg almost without exception the Senators who had voted for the Separation Act. When again the following week the Senate and the Chamber of Deputies united in Congress to elect a new President of the Republic, they chose one who had distinctly expressed his approbation of the Law.*

* Four months later, at the general election of the Chamber of Deputies, the Law has been approved by Universal Suffrage.

LECTURE II.

I PROMISED that in my second lecture I would say a few words about the general tendency of French law relating to Associations, and about the French mental attitude towards the principle of association, lay as well as religious. It is necessary to understand this, as many English writers, in commenting upon the dissolution of the French monastic Orders, seem to imagine that the position of Associations has been the same in France as in England.

Associations.

I am less familiar with the English law than with the French, but I believe it to be a fact that in this country individuals are, and for many years have been, perfectly free to associate themselves for any purpose not interdicted by the law of the land, without asking the permission of the Home Office, the police, or any local or central authority.

If, for example, the company assembled in this room resolved to take vows of poverty, and to live in community for the rest of their lives, the law would not interfere. Nor would it interfere if at the close of this meeting we formed ourselves into a football club, or a choral association, or a Dorcas society. But, until 1901, in either of those cases a similar organisation could not be effected in France without the formal authorisation of the Government. Without such authorisation no society of more than twenty persons, united for any common object, was permitted to exist, and the Government could at any moment dissolve it.

Associations Law of July 1, 1901.

The law of July 1, 1901, "relating to the Contract of Association," placed religious Associations and those formed for other purposes in two different categories, according liberty to the latter, and laying fresh restrictions on the former. Although the new law declares that Associations are permitted without the authorisation of the Government, except in the case of those in which

the members live in community, it does not seem that French subjects are free to form societies for a common purpose in the sense that the word freedom is understood in England. The term used in the official title of the Law, *Contrat d'association*, indicated that its author—M. Waldeck-Rousseau—intended that the act of "Association" in France should be held to be a contract, subject as all other contracts are to the provisions of the Civil Code. A feature of the *Journal Officiel* has been the column of "declarations," made at the prefectures throughout France, of Associations founded for every conceivable purpose. Without such declaration, except in the case of certain classes of societies subject to special laws, no association of more than twenty persons could be formed. Even under the new law no association can enjoy any of the advantages of legal existence, without being thus declared. What makes me think that the Law of 1901 has not the liberating effect which some authorities claim for it, is that the declarations in the

Journal Officiel have been as numerous since the passing of the Act as previously—even before the lists were swelled by the *associations cultuelles*, created by the Separation Law of 1905, which will be referred to later. No society, however trivial its object, ventures to dispense with the official declaration. Anglers, cyclists, pigeon-flyers, and village "Orpheonists" are still as careful as before to have their clubs authorised by the Government, as are more serious associations of teachers, traders, and agriculturists, or literary and scientific societies.*

* I have modified this passage, as it was pointed out to me that in the form in which it was delivered in the lecture, it went too far in minimising the effect of those sections of the Associations Law of 1901 which relate to non-religious Associations. But notwithstanding the liberating clauses of the Act, the text of which which is given on page 135, I am of opinion that the French Government could still shut up or dissolve any club or association of which it disapproved—with its old arbitrary powers in this respect little affected by the Law of 1901. Indeed, clause 3 of the Act contains a provision relating to Societies of which the aims are not deemed to be in harmony with Republican institutions, which is capable of a wide application. —The Royal Institution put at my disposal a third

This attitude of Frenchmen, associated for a common purpose, towards the central Government, and the absolutely arbitrary power accorded to it by the democracy in its supervision of Associations during thirty years of Republic, is an heritage of the individualistic tradition of the Revolution—one of several revolutionary doctrines which the French Socialists find difficult to get over when they pose as sons of the Revolution. For, unlike English politicians and publicists, Frenchmen are familiar with every incident in their national history at the end of the eighteenth century, to which constant reference is made in parliamentary debates and in the daily newspapers.

The French conception of Associations.

This sentiment hostile to Associations is one of the many traces of Latin civilisation

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day for an additional lecture, but the state of my health did not permit me to accept the obliging offer. Had I been able to give another lecture, I should have attempted an exposition of the Associations Law, with especial reference to the application of its anti-congreganist sections after the departure from power of its author, M. Waldeck-Rousseau.

to be found in the French character; and the classicists of the Revolution were glad to seek in Roman jurisprudence precedents for their restrictive legislation. From the middle ages the trade guilds and corporations had been one of the most powerful and picturesque features of French life. By a decree of February 13th, 1791, the Constituent Assembly put an end to all the confraternities of arts and crafts. This policy was extended by the Legislative Assembly, which declared that no really free State could contain in its midst any corporation, lay or ecclesiastic, not even those devoted to education or the care of the sick; and a little later the Convention abolished all literary and scientific societies and academies. When many of the institutions affected were re-established, those which were authorised were placed under the control of a paternal Government.

When Napoleon undertook his reconstructive work, he did not extend his favour to religious Orders. As we have seen, no mention is made of them in the

Concordat, though certain defenders of religious Associations have argued that the opening words of the first clause, which grant liberty to the practice of the Catholic religion, were drafted with a purpose by Consalvi, and imply a right, accorded to French subjects, to take monastic vows and follow the rule of an Order. This was not the view of Napoleon. In the ecclesiastical apartment which he built in his great administrative edifice there was no place for collateral constructions, disturbing its architectural uniformity, to hold the monastic Orders. "I want," he said, "Bishops, curés, and vicaires, and nothing more. It is against my instructions that religious communities are being re-established."* So by decree he interdicted all religious Associations which he had not authorised.†

The Orders of Saint Lazare, of the Saint Esprit, and of the Missions Étrangères were the only three which he authorised,

* Pelet de la Lozère, 22 Mai, 1804.

† Décret du 3 Messidor an. XII. (June 22, 1804.)

recognising the value of French missionaries as agents of France in distant lands, as did Gambetta, at a later period, when he declared that anti-clericalism was not an article of exportation. The Christian Brothers (Frères de la Doctrine Chrétienne) were also recognised, not as a religious Congregation but as a teaching body, under the jurisdiction not of the Minister of Public Worship but of the Minister of Education. These four communities and the Sulpicians, authorised in 1816 — the directors of the famous Parisian seminary for secular clergy—are the only religious Orders which have been authorised under the Third Republic. All the great historical Orders — Benedictines Carthusians, Dominicans, Jesuits, Trappists, and Franciscans — have led a precarious life on sufferance, having as corporations no civil existence, and being liable to be dissolved by the administrative authority at a moment's notice.

Authorised religious associations.

In spite of this general disability, and of the special decrees of 1880 touching

unauthorised monastic Orders, they so flourished that, at the close of the nineteenth century, the religious of France, of both sexes, were vastly more numerous after thirty years of anti-clerical Republic than at the end of the ancient régime, when the Convent was one of the great territorial owners in the nation. The bare catalogue of the religious houses of France, with the value and extent of their properties, filled two huge White Books of 2,000 pages, presented to Parliament on the 4th of December 1900.

Had the legislation for regulating the religious Orders been voted simply with the honest intention of limiting their excessive growth, few things would have been more agreeable to the secular clergy. But they saw that the attack upon the regulars was only preliminary to a general attack upon the Church. Apart from the traditional jealousy between seculars and regulars, the enterprise of the religious Orders has seriously prejudiced the material well-being of the

Seculars and Regulars.

poorly paid parochial clergy of France. In a town which I know well the two parish churches, of a Sunday afternoon, had for their average congregations a dozen old women and the children of the schools; while the unauthorised Dominican chapel, half-way between them, was crowded to the doors with a wealthy and fashionable throng. The two curés, men of different temperament, one cautious, the other ardent, but both excellent parish priests, did not hesitate to impart their grievance. The prudent abbé murmured that the parish was the type of the Christian family on earth, in which the curé represented the father whose authority could not stand the interference of interlopers, however pious, who carried off his children and diverted his slender resources. His more indiscreet colleague cried aloud that the Dominicans were poachers (*braconniers*), whose property was grossly under-valued in the White Book, which the clericals attacked for its exaggerations. Some of the Bishops also complained. One eminent

prelate in another part of France, who combined sanctity and learning in the soul of a methodical French administrator, lamented to me the independence from episcopal control of the religious in his diocese, who took their orders from Rome and were not a good example of discipline to his parochial clergy. The Dominican chapel has long ago been closed and the religious Orders no longer overrun the rural diocese. But, unhappily for the curés and for the Bishop, the Concordat has disappeared too.

Lourdes.

One religious congregation was spared even by M. Combes—that of the Fathers of the Grotto of Lourdes. It was not the signs and wonders worked at that shrine which stayed the hand of the Minister. It was a threatened rebellion of all the hotel-keepers of the Pyrenees, in alliance with the capitalists of the Orleans and Southern Railway Companies, and the vendors of objects of piety at Lourdes, who mostly belong to a religion more ancient than Christianity. Nine miles from Lourdes

is another place of pilgrimage called Béth-arram. Its apparitions are as historical, its miracles as authentic. But, in spite of the favours of heaven, it has never been protected by railway directors or cosmopolitan traders or prosperous innkeepers. So the good, simple Fathers of Bétharram—whom I knew well—who enriched a deserted valley with an excellent middle-class school, were driven out of their ancient house and quiet village, while the pilgrim trains to Lourdes were never more fashionable or more profitable to the companies and to the Pyrenean hotels. I regret, on historical grounds, that the Grande Chartreuse, founded by Saint Bruno about the time of the Norman Conquest, had not the similar protection of the railway and innkeeping interests.

The dioceses of France.

These are only a few general notions on the subject of Associations to supplement my remarks on the recent law relating to them. We will now glance at the organisation of the

Episcopate and clergy in France. Many of you, in your travels in that country, have visited a noble church which the guide-books, according to their inaccurate habit, have called a cathedral, and you have sought in vain for any trace of a Bishop or a Chapter. This is the case at Laon, whose towers on a lofty hill command the railway to Bâle; at Auxerre, with its mediæval tradition, now the capital of the anti-clerical department of the Yonne; at Vienne, where the blood of the first French martyrs was shed at a time when Gallic Christianity was not yet Latin but Greek; at Arles and at Narbonne, whose sees dated from Apostolic times. The explanation is that these historic churches ceased to be cathedral establishments at the Revolution. Under the old régime France, including Corsica, contained one hundred and thirty-six episcopal sees, compared with eighty-four at the present day. Some of them are now decaying villages. The best-informed Frenchman would be at a loss to describe the situation of Vabre in Languedoc, of Saint Lizier de

Couserans in the Ariège, or of Senez amid the Alps of Provence. Twenty of the dioceses contained fewer than fifty parishes each, and one of them, called Bethléem, in the province of Sens, consisted of only one parish. Under the Civil Constitution of the clergy we saw that the dioceses were reduced to one for each of the newly founded departments. By the Organic Articles of 1802 they were further reduced to fifty-one, not counting the dioceses in territory annexed by Napoleon which France subsequently lost again. In 1821, under Louis XVIII., the present arrangement of dioceses was made. The only subsequent alterations were that, under the Second Empire, Laval — of recent sad notoriety —which had never been a see previously, was given a Bishop, and Rennes, formerly suffragan of Tours, was made the head of a province; while five dioceses came into France by the annexation of Nice and Savoy, which did not, however, make up for the loss of the great dioceses of Strasbourg and Metz after the Franco-German War.

The eighty-six departments, and the fragment of Alsace known as the territory of Belfort, are now divided into eighty-four dioceses, of which seventeen are the sees of Archbishops. This is an excessive number of provinces, and they are so inconveniently arranged that while almost the third of France lies between certain suffragan sees and their metropolitan church, there are three archiepiscopal cities—Auch, Toulouse, and Albi—so near one another that one may visit them all in a single day, in spite of the slowness of cross-country railways. Nearly all the areas of the dioceses are identical with those of the departments—an arrangement in accordance with French ideas, which abhor a confusion of administrative areas, so dear to English tradition. There are, however, six departments which contain no episcopal see. On the other hand, two departments, the Marne and the Bouches du Rhône, contain two apiece—Reims and Châlons, and Aix and Marseille, respectively; while the sparsely-populated department of Savoie has three dioceses—

Chambéry, Tarentaise, and Maurienne—a heritage of its Piedmontese days.

Episcopal Revenues.

There is an exaggerated impression about the revenues of the French Bishops before the Revolution. Of the three great ecclesiastical proprietors in France under the old régime—the Convent, the Chapter, and the Cure—the first was by far the wealthiest. Only eleven of the hundred and thirty-six Bishops' incomes attained 4,000*l.* sterling a year—the four richest being Paris and Auch, which were worth about 8,000*l.*; Narbonne, 11,600*l.*; and Strasbourg, which at the Revolution was held by Cardinal de Rohan, the hero of the scandal of the Queen's necklace, 16,000*l.* The great majority of the Bishops received from 1,000*l.* to 1,500*l.*—enormous salaries compared with those paid under the Concordat, but modest according to English ideas. These figures, in their French equivalents, are found in the *Almanach Royal* of 1780.

By the Organic Articles of 1802 the Archbishops' salaries—paid out of the

Budget of Public Worship—were fixed at 15,000f. a year (600*l.*), and the Bishops at 10,000f. (400*l.*). At this figure they stood at the moment of disestablishment. The purchasing value of the franc had depreciated, and under the Second Empire and in the early days of the Republic the stipends were temporarily augmented.

We must not compare this slender pay with the amounts of English official salaries in Church or State. The director of the École Normale Supérieure holds in France as important a position as the Dean of Christ Church or the Master of Trinity in this country, and the post is always filled by a man of the highest eminence. M. Perrot, the distinguished Hellenist, received a salary of 600*l.* a year, but when M. Lavisse, the well-known Academician, succeeded him recently it was reduced to 480*l.* Similarly, in the Judicature I have known a railway case involving 20,000*l.* tried by a tribunal in which the combined salaries of the three Judges on the bench and of all the officers of the court did not

equal the pay of a single police magistrate in London.

The incomes of some of the Bishops have been increased by the modest endowments of their sees, known as the *mense episcopale*. The term *mense*—possibly derived from the Latin *mensa*, and in that case signifying the funds devoted to the support of the table of an ecclesiastic—is found in the expressions *mense episcopale*, *mense capitulaire*, and *mense curiale*, and denotes the endowments given to sees, chapters, and cures, of which the titulars under the Concordat have had the usufruct, and have been permitted to administer the revenues for the benefit of the Church under the watchful supervision of the State. The values of these episcopal endowments differ in various dioceses, but, as a rule, are insignificant according to our English ideas.

A Bishop whose cathedral town is a wealthy centre has usually been in a position of affluence. It was said of the late Cardinal Langénieux—that if he had need, for his good works, of 50,000f., or even

100,000f., he had only to spend a morning calling on two or three of the generous champagne-growers of his episcopal city of Reims. But in rural dioceses the position of a Bishop is often one of hardship. The wonder is how these good men are able to exercise a simple yet dignified hospitality in their palaces, which are often of proportions to deserve that term. At Reims the Archbishop is lodged in the historic building where the Kings lay on the eve of their coronation. At Autun the Bishop lives in the pleasant old château of the Dukes of Burgundy. At Albi the archiepiscopal palace is a feudal fortress of the fourteenth century, forming, with the cathedral, one of the most majestic groups of architecture in France. Often the palace is less palatial, being one of those charming French provincial *hôtels entre cour et jardin*, of which we have no counterpart in England. Most frequently two servants, a woman and a man, suffice for the needs of Monseigneur, the latter accompanying

The Episcopate.

him on his pastoral tours, when his services are ceremonial as well as domestic.

These *tournées pastorales* were prescribed by the First Consul, who was the most amazing master of detail the world ever knew. In the Organic Articles he laid down that a Bishop should visit every parish in his diocese at least once every five years. Sometimes a prelate who has a fancy for writing his own biography describes in the organ of his diocese every incident of these tours day by day; and to follow, map in hand, such a narrative, trivial as it is, is an education in French provincial life. These excursions are terribly fatiguing for the Bishops, whose average mortality may be gathered from the fact that in the thirty months which elapsed, from the deadlock between M. Combes and the Holy See, regarding episcopal nominations, until the rupture of the Concordat, fifteen sees became vacant by death. That a French Bishop should die every two months is excessive, even under an anti-clerical Government. But one of the causes of the episcopal mortality is not persecution,

but kindness. It is the rule for each parish priest to entertain his Diocesan, who usually refuses the hospitality of the neighbouring châteaux. For a man of abstemious habits and no longer young, it is a redoubtable experience to have to encounter two copious meals a day of variegated peasant cooking during tiring drives across country, which last for weeks, in all weathers.*

Cardinal Manning, when I first went to live in France, in giving me letters of introduction to two or three of the Bishops whom he knew, said, with that caustic humour which added a zest to his intimate conversation, "I fear that you will find the majority of my brethren of the French Episcopate chiefly remarkable for their goodness." The Cardinal's intellectual scorn was not quite justified. It is, however,

* Since these words were written Cardinal Coullié, of Lyons, has issued a pastoral circular to his clergy, enjoining them, in view of their reduced revenues, to limit the abundance of their tables, when they have to entertain their Archbishop, to "trois plats"—an admonition suggestive of what the Primate of the Gauls may have had to suffer from the hospitality of his curés.

true that the French Bishops have not been chosen primarily for their learning or their eloquence. The chief quality which the Ministry of Public Worship has sought for in its Bishops is that they should be able administrators. Hence the large majority of Bishops under the Republic have not been promoted from the parochial clergy, but from the Vicars-General. These officials, of whom there are three attached to each metropolitan, and two to each episcopal see, have little in common with Vicars-General in the Church of England, being invariably Canons of the cathedral, and some of their functions resemble those of an English Archdeacon. They have been nominated by the Bishop, subject to the approval of the Minister, during the vacancy of a see administering its spiritualities and having in their gift at such times all the episcopal patronage.

A Frenchman does not lose his national temperament when he receives the tonsure, and nearly every priest has in him the elements of a methodical administrator who likes to take his instructions from a central

authority. What outlet there will be in the disestablished clergy for that eminently French quality it is difficult to foresee, for there never was an ecclesiastical body so suited to carry out the essential principle of the Concordat.

A priest when nominated Vicar-General stepped at once into the first ranks of candidates for the Episcopate. He had henceforth a three-to-one chance of dying a Bishop instead of a ten-to-one chance among the candidates who, as the Apostle says, desired a good work. For the feigned reluctance of the *nolo episcopari* has had no counterpart in France under the Concordat. One day I went to see M. Dumay, the well-known permanent Director of Public Worship, who, while ephemeral Ministers and Nuncios nominally decided on the choice of Bishops, was for years the almost absolute Grand Elector of the French Episcopate. In his office, appropriately placed among the churches and convents of the old Faubourg Saint Germain—a corner of Paris which has the air of a remote pro-

vincial city—I found the great man's antechamber thronged with grave ecclesiastics. He explained their presence by pointing to a large cupboard which contained over 800 *dossiers* of episcopal candidates. These *dossiers* of candidates for place and the crowds of applicants soliciting audiences are common to all the departments of the State in centralised France. If they are not found in Whitehall, it is not on account of the superior modesty of the British race, but because an English Minister has practically no patronage to bestow.

The episcopal *dossiers*, like all similar documents, consisted of brief biographical notes of the candidates, founded on information obtained by the *préfets* and other agents of the central Government; and, after the consecration of a candidate his *dossier* would still be kept, in view of his possible promotion to an archbishopric or to the College of Cardinals. One note was essential—that of his professed devotion to the Republic. It is a phenomenon observed in other countries than France that ardent adherents

of a Liberal Government, after they have obtained, in Church or State, a long-solicited place or title, suddenly evince Conservative convictions until then latent. The leading case of this kind at the Ministry of Public Worship was that of the late Mgr. Gouthe-Soulard. A parish priest at Lyons, his Republican zeal was such that it vexed the monarchical soul of his Archbishop, Cardinal Caverot, and procured for him, in 1886, at one bound, without any suffragan probation, the archbishopric of Aix. But during the rest of his career the Republic had no more active adversary than the former Republican curé of Vaise, whose promotion did not encourage the experiment of giving the mitre to a parish priest.

In the Church of England it has sometimes happened that a Bishop has owed his preferment to a sermon opportunely preached in the presence of a powerful Minister. This could never have happened in France, since the Republic was governed by Republicans, for the reason that it would be as much as a Minister's place was worth

to be caught in a church listening to a sermon. But although the Episcopate has been chosen by politicians and functionaries who have not had at heart the interest of the Church, yet, in spite of the appointment of many mediocrities, it is far from true that the only talent to be found in the French hierarchy is that of administration. In my own experience I have known a number of prelates of high intellectual distinction. I will mention three of them who are still alive—Cardinal Perraud* of Autun and of the French Academy, the rival at the École Normale of three brilliant

* Cardinal Perraud died a fortnight after these words were spoken. He was the first French Bishop I knew, and two days that I spent with him at Autun during the first summer of my residence in France are of happy memory. This very distinguished prelate was of shy and retiring habit, and thus obtained an unjust repute, even among his clergy, for coldness. But nothing could exceed his genial urbanity with companions with whom he could talk at his ease, and I had the good fortune to be with him when his brother, Charles Perraud, the Oratorian, the friend of Henri Perreyve, and a person of exquisite charm, was on a visit to the old episcopal palace, eighteen months before his untimely death in 1892.

Frenchmen of diversified talent, Taine, About, and Sarcey; Cardinal Mathieu, whose remarkable work on the Concordat I have quoted, Cardinal of the French curia at Rome, who entered the episcopate as the successor at Angers of Freppel, whom I also knew—himself, though a combatant politician, a prelate of whom all France was proud; and Mgr. Mignot, the liberal and high-minded Archbishop of Albi, who in his mediæval palace on the banks of the Tarn showed me on his library shelves every important work on theology published since the Oxford Movement by Anglican and Scottish divines, which were his constant study.

Although the French Bishops have been poor, and treated with scant deference by the Republic, they have enjoyed a position of prestige and influence unequalled by that of any of the civil or military authorities in the land. Under Napoleon's famous Decree of Messidor,* by which in 1804 he regulated the official precedence which still subsists

* Décret du 24 Messidor An XII.

under the Third Republic, the Cardinals ranked with the Marshals before all other citizens, while the Archbishops and Bishops were given a high place in the scale, where they remained until the end of 1905. More than that, a Bishop, except when promoted to an archbishopric, almost always survived in a department several relays of constantly-moving high functionaries—*préfets*, Presidents of tribunals, and Generals of division or of Corps d'Armée—thus being looked upon as the one permanent official magnate who enjoyed fixity of local tenure. Moreover, although the title of Monseigneur was not recognised by the Ministry of Public Worship, it was always accorded to the Bishops by Presidents of the Republic on their official visitations, as well as being a popular locution of universal usage. It must be noted that this title is much more exalted than that of "my lord," lawfully applied to English Bishops who are spiritual peers, and wrongfully assumed by many others. "Monseigneur" is an appellation which the Episcopate shared with members of the Royal

and Imperial families which have reigned over France. No duke or other noble, however authentic his title, has been so addressed, since the Revolution, even under régimes which recognised nobility. In this connection it may be pointed out that, in a land where the *noblesse* is a decadent class, of which nine-tenths of the titles are self-assumed or otherwise irregular, the Episcopate has stood alone as a caste, retaining, with official sanction, some of the ceremonial attributes of the ancient régime, and, by popular usage, a quasi-royal position.

Again, the Bishops, alone among the functionaries of the State, have had in their hands an enormous quantity of patronage, which has made their power greater than that of any prelates of the ancient Monarchy, who had much less in their gift than the Crown, the abbeys, or private patrons. In explaining this prerogative of the Bishops I can incidentally describe the organisation of the inferior clergy.

In common parlance, the parochial clergy are either curés or vicaires. I should have

thought it needless to explain the ordinary meaning of those terms had not a tract upon the Concordat, written by an English ecclesiological expert, been put into my hands by a high authority in the Church of England, in which *curé* was translated "curate" and *vicaire* "vicar." The French words have precisely the opposite signification. The curé—*curatus*—is the beneficed clergyman invested with the cure of souls—the curate of our prayer for "Bishops and Curates," but not of our ordinary usage of the term. The vicaire is the vicarious substitute for the parish priest, who corresponds generally to the person whom we should call a curate.

Parochial Clergy.

But in official language the curés form a very small proportion of the beneficed clergy. The only livings legally termed "cures" under the Concordat are between 3,000 and 4,000 of the larger parishes. The parochial divisions of France, as a rule, follow the administrative areas. The department, usually, as we have seen, conterminous with the diocese, is

divided into arrondissements, each having its *chef-lieu*, the curé of which is called the arch-priest (*archiprêtre*).* The arrondissement is sub-divided into cantons, each having its *chef-lieu*, the curé of which is called the *doyen*—an expression similar to our Rural Dean—or in some regions the *recteur*. It is the body of *archiprêtres* and *doyens* who are legally recognised as curés, together with the clergy of certain other parishes, chiefly in the large towns which, on account of their population, have been erected into cures. The cantons are sub-divided into communes, which in the majority of cases are identical with the parishes —there being over 36,000 communes in France and more than 40,000 parishes, a large commune in a populous place often containing a number of parishes.

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* This title is also given to the curé of the cathedral in cities which are not *chefs-lieux d'arrondissement*, such as Aire and Séez. At Lyons, by exception, no less than six of the parish priests have this dignity; though only one enjoys it at Paris, the curé of Notre Dame.

In the case of the benefices legally denominated cures the clergy nominated by the Bishops had to be approved by the Government, and they were irremovable. The remaining benefices, to the number of nearly 40,000, have been in the absolute gift of the Bishops, at whose will the titulars were removable. Thus the great majority of the French clergy, who have been paid by the State, are not strictly curés, but *desservants*, or, as we might say, incumbents. A small proportion of them are technically called *vicaires*, but that term in ordinary language is applied exclusively to the assistants of a curé, or of a *desservant*. The pay of the curés, who have been lodged rent-free, but not tax-free, has been 1,500f. or 1,200f. a year—60*l*. or 48*l*. according to the importance of the parish; that of the *desservants* usually 900f. —36*l*. The other possible sources of a parish priest's income have been subventions made by his municipal council, henceforth prohibited, *casuel*, or fees for masses, baptisms, marriages and burials, the modest

legal scale of which is often exceeded by the generosity of the faithful, and voluntary personal gifts, which are often made in kind, consisting of firewood, farm-produce, and, in the vine countries, wine. It has been very rare for a country priest to have an income equivalent to 100*l.* a year, and in rural districts where the peasants are anti-clerical or poor or avaricious it has been much lower. It is in such regions that the nucleus of 36*l.* or 48*l.* provided by the State will be sorely missed now that the Budget of Public Worship is suppressed. In a few large towns the curés have enjoyed a handsome income. The *casuel* of the Madeleine in Paris is said to amount to 100,000f. (4,000*l.*) a year, and there are two other fashionable Parisian churches—St. Philippe de Roule and St. Pierre de Chaillot—where it is even larger. But these are rare exceptions.

Time forbids me to describe the *conseils de fabrique*—the vestry councils, so to speak—which have administered the revenues of the churches, chiefly derived from the chairs,

the collections, and the churchyard. They are now abolished, so their interest has become historical.

I will, in conclusion, say one word about the origin of the clergy. They are almost entirely recruited from the peasant and lower middle classes. The *noblesse*, whether authentic or counterfeit, wealthy or poverty-stricken, though professing devotion to the Church and scorn for the anti-clerical Republic, declines to give its sons to the sacred ministry, and one may go through a hundred pages of a clergy-list without once meeting with the nobiliary *particule*. In all the years I spent in France I never met with a single parish priest of noble family. Excepting one bishop, all the clergy I have known of that class were regulars, and they were not many. I have in all known about ten curés, who were of good social parentage, of the *haute bourgeoisie*. The excellence of the parochial work done by these men of culture, and their apostolic devotion to it, show what a loss to the Church in France is the abstention of their class from its ministry.

Not that the peasant priesthood of France is unrefined, considering its origin. The old Latin civilisation, which enables Frenchmen of humble antecedents to fill with ease high positions in all careers, has no counterpart in our race, and it is often illustrated in the urbanity of a humble rural curé. When one sees what a rough lot the seminarists often are, some of whom are the brothers of one's domestic servants, and when one notes the contrast in the same persons after a few years passed not in intellectual circles, but in the isolation of a country presbytery, one comes to the conclusion that the old Latin civilisation is an excellent material for the grace of God to work upon.

The chief defect of the French clergy is, in my opinion, its narrowness of view, extended only by the reading of abject or violent newspapers which they call with unconscious irony "*la bonne presse.*" As a rule, the secular clergy live and die in the dioceses of their birth, and are so attached to the native soil, that Bishops, who are rarely appointed to the dioceses

where they were ordained, invariably go to spend their vacations in the region where they can hear the *patois* of their childhood.

I now turn to the Law of Separation, which came into operation on January 1st, 1906. My rapid exposition of its clauses will, I fear, be too concise to be interesting. I will avoid all prophecy of its possible effects on the Church and the nation, and will confine myself to explaining its chief provisions.

The Separation Law of December 9, 1905.

A remarkable feature of its passage through Parliament was that it did not undergo the change of a single word, letter, or comma at the hands of the Senate, although the Upper Chamber discussed it in detail nearly every day during the autumn session of 1905. It was passed into law in precisely the same form in which it left the Chamber of Deputies. The Senate, though chosen by indirect suffrage, its electors being the deputies, the members of what we should call the County Councils

and District Councils, and delegates of the municipalities, has lost its former moderate character. No longer the refuge of Liberalism, it has become more anti-clerical, as a body, than the Chamber, which, elected by manhood suffrage, always reflects passing currents of reaction in the nation. The Senate refrained from amending the Bill, as, had it done so, it would have had to go back to the Chamber, and thus might have failed to pass before the General Elections of 1906. In that case it would have had to be presented afresh to the new Chamber, and, indeed, might never have passed into law.

The statute is divided into forty-four clauses. It commences by a declaration that the Republic guarantees liberty of conscience and of public worship, subject to the provisions of the Act, while it no longer recognises nor subsidises any form of religion. It decrees that in the Budgets of the State, the departments, and the communes all subventions for public worship are suppressed, except in the case of chap-

lains in public secondary schools, in hospitals, and in prisons, who are maintained — an important concession. It is ordered that, on the Act coming into force, an inventory shall be made of all ecclesiastical property, movable and immovable, with a view of ascertaining its value, its origin, and its legal ownership.*

The fourth clause is important. It provides that within a year of the passing of the Act all the movable and immovable property of the *menses* and *fabriques*, which we have noticed, shall be transferred to associations to be formed under a later clause of the Act. These are

*It is curious that the taking of the inventories should have roused the violent manifestations which took place, when the operation was performed, in Paris, and, with greater sincerity, in certain remote rural regions, notably in the diocese of Le Puy, as the clause providing for them was passed with very little criticism from the opponents of the law and with the approval of some of them. The general elections of May 6, 1906, have shown that the disturbances were not the result of any genuine movement of popular feeling against the Law. This was manifest to anyone acquainted with the names of the leaders of the riots in Paris.

the famous *associations cultuelles*—associations for public worship—of which so much has been written and said. This clause was amended, in a liberal sense (I use the term liberal in its French signification), by the addition of words which made the legal formation of these associations dependent upon their conformity with the general rules of organisation of the religion of which they propose to ensure the exercise. The score of words added (in the French text) have an immense importance which is not patent to the cursory reader of the clause, for they guarantee the impossibility of an association falling into the hands of a schismatic party which might attempt to organise a religion independent of the Bishop and of the hierarchy of Rome.* The anti-clerical critics of Clause 4 as amended, indeed, complain that it nullifies the declaration in Clause 2, to the effect

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* *See* Appendix IV., p. 147. *Loi du 9 Décembre, 1905:* Article 4. "en se conformant . . . l'exercice."

that the State recognises no form of religion, inasmuch as it now provides for the distinct recognition of the Roman system.

The law goes on to enact that property which belonged to the State, the departments, or the communes shall go back to its original owners, subject to certain obligations on their part, exception being made for pious endowments subsequent to the Concordat — all disputed questions being decided by the ordinary tribunals of the land. Then comes Clause 8, which, certain Catholics argue, reduces the beneficial effect of Clause 4, in that it provides for the case of two or more *associations cultuelles* setting up rival claims, which will be decided by the *Conseil d'État*—that is, the civil authority —which might thus have power to create at its pleasure a schism. Then follow some highly technical provisions concerning the destination of property of which the Church has had the administration for charitable or other purposes not connected with public worship.

This brings us to the important provisions as to pensions. Ministers of religion who are sixty years old and have for thirty years been in the pay of the State are to receive a life pension of three-quarters of their salaries; while those who are forty-five and have been for twenty years salaried by the State receive a life pension of half their salaries. In any case, the pension is not to exceed 1,500f., or 60*l.* a year. Since that has been the highest salary, as we have seen, of any beneficed priest, this limitation does not touch the curés, though it affects the most highly paid Protestant pastors, a few of whom have received 3,000f. a year—the Protestant salaries being on a generally higher scale, as the pastors are married men. However, it is easy to see that it affects very seriously the Archbishops and Bishops, whose maximum pension is thus fixed at 60*l.* Those ministers who are not qualified for the foregoing pensions are granted subsidies, in the following proportions, during the first four years after disestablishment: —in the first year they are to receive the

whole of their salary, in the second year two-thirds, in the third one-half, and in the fourth one-third. The periods are to be doubled in the case of those exercising their ministry in communes of less than 1,000 inhabitants. This will be of great help in the first years of disorganisation in the poor rural districts, and will be of widespread effect, as more than 20,000 of the 36,000 communes of France have a population of less than 1,000 inhabitants.

All religious edifices in the land, cathedrals, churches, and chapels (as well as Protestant temples and Jewish synagogues), with the movable property therein, which belong to the State, the departments, or the communes, are left gratuitously at the disposal of the Associations to be formed under the Act. But presbyteries and seminaries are granted rent-free for only five years, while Archbishops and Bishops are to have the gratuitous tenancy of their palaces for only two years, at the end of which periods all these buildings will revert to the State, the departments or the communes. This

appears to be a harsh provision, especially in the case of humble presbyteries, which, with their little gardens—*le jardin de mon curé*—have been a picturesque feature of the precincts of thousands of village churches in France, sheltering for the most part simple lives of self-denying devotion. The expropriation, too, of the Bishops from their residences seems to be a needless blow at the dignity of the Church. The notice to quit is, of course, not definitive, and it may be that at the end of two years, or of five, arrangements may be made for the continuance of the tenancies, much depending on the attitude of future Governments and of local authorities as time goes on. One Bishop, whose diocese is in that pleasant region where Gascony meets Languedoc, sent me on New Year's Day a card of his modest palace, and being a Frenchman whose joyous nature has not been dulled by the present tribulations, signed himself under the little picture as "L'usufruitier temporaire de cet immeuble," that being his legal position under the Act, from

January 1st, 1906, with regard to his episcopal residence.

Buildings and movable objects of public worship, as well as ecclesiastical libraries and archives, will undergo an inspection for the purpose of classing all property affected by the Act as of artistic or historical value. Property so classed will be inalienable; but in the case of certain precious objects the right of pre-emption will be granted by the Ministry of Fine Arts to the *associations cultuelles*, and in the event of their refusal to retain them for the use of the Church they will be offered on the same terms to the local and central authorities for the purpose of being preserved in museums. This is a development of the law which has been in force since 1830 for the conservation of historic monuments, in which category most of the cathedrals and many of the ancient churches of France have been classed. It is a provision to which little exception can be taken; as though the State, by the ruthlessness of its architects, of whom Viollet le Duc was perhaps the most

destructive, has been open to criticism, it has been a more faithful guardian of ecclesiastical treasures than the Church.

The clauses relating to the *associations cultuelles* are of high importance. These bodies are to consist of residents in the parish, and their numbers range from seven in communes of under one thousand inhabitants to twenty-five in the largest. They fall under the provisions of the Law of Association of 1901. They are permitted to raise funds by means of subscriptions, collections in the churches, and fees for religious ceremonies. They are allowed to distribute their surplus to other associations —a most important faculty, enabling rich parishes to come to the aid of their poor neighbours. Their accounts are to be inspected yearly by agents of the Ministry of Finance, and the amounts of their accumulated funds are strictly limited by a scale proportionate to their revenues. These provisions do not accord with the aspirations of those whose ideal is a Free Church in a Free State.

Churches are, as heretofore, to be exempt from land-tax and house-duty. In return for this exemption they are to be used exclusively for religious purposes, and never for political meetings. The law relating to processions and other ceremonials outside the churches remains as it has been since 1884, when the question was left in the hands of the local municipalities. Thus one of the most picturesque features in French provincial life is retained in localities where the Church and the civil authority are on friendly terms. Bell-ringing is also left to the discretion of the municipality, and its continuance will probably depend less on the politics of the councillors than on their nerves or the proximity of their dwellings to the church. For in France neither the English peal nor the Belgian carillon exists, the bells being of universal cacophony.

A clause which has been much criticised is one which prohibits the erection of any religious emblem in a public place, excepting churches, cemeteries, and

museums. No more Calvaries will, therefore, be set up on French waysides. Happily, those in existence may not be touched, so the beautiful monuments which are the pride of Brittany will be preserved. The concluding clauses are of miscellaneous effect. Religious instruction may be given to children between the ages of six and thirteen who attend the public schools, only out of school hours. Libellous or provocative utterances in the churches are punished by fine and imprisonment, the same penalties being inflicted on those who interrupt a religious service and on those who by violence, menaces, or dismissal from employment try to keep people from going to church or to force them to attend. The dispensation from military service hitherto accorded to ecclesiastics is maintained, as is also the observation as a public holiday of Sunday and the four great festivals of the Church—Christmas, Ascension Day, the Assumption of the Blessed Virgin, and All Saints'. Ecclesiastics for eight years will not be eligible

as municipal councillors in the communes where they minister. Finally, the Budget of Public Worship, which in 1905 amounted to 1,700,000*l.* sterling, will be proportionately divided among the communes of France for the alleviation of taxation—but it will not be entirely available for that purpose till all the life-pensioners under the Act are dead.

Such in its main outlines is the Law of 1905, separating the Church from the State, which, by its last clause, repeals the Concordat and a few minor Acts of legislation passed since the great treaty of 1801 was ratified. There are three classes of commentary made upon it by French politicians, who represent the average opinion of the nation. I leave out of consideration the extreme views of reactionary ultramontane zealots and of bigoted anti-clerical sectaries, though their respective extravagances have contributed to the denunciation of the Concordat.

Many moderate Republicans, together with the survivors of the old Liberals and the like-minded members of the Right, regard the law as an act of repression intended to starve religion out of the land, and aimed against religious liberty. This they consider was best safeguarded by the Concordat, which likewise was an admirable instrument for subordinating the spiritual power to the temporal in the State.

There is then the Governmental view, held by the more moderate supporters of the Ministry which passed the law and of M. Fallières when he was elected President of the Republic a month after its enactment, as well as by a very small minority of the clergy. The line that they take is that circumstances had made the relations between the French Government and the Vatican intolerable, so that a rupture could not be avoided. It was better, therefore, for everybody that separation, having become inevitable, should be effected before new irritation should provoke a less conciliatory Act, than they claim the law to

be. They say that it is a law which restores to the Church its nominations and its councils; which leaves to the faithful the indefinite enjoyment of their places of worship; which regulates in an equitable manner the devolution of ecclesiastical property; which authorises the constitution of private budgets of public worship, and permits rich associations to go to the aid of poor parishes; which, by its transitory arrangements in the matter of pensions, makes the change gradual for ministers of long service; which contains no vexatious regulations as to ecclesiastical costume or processions—this, they say, is not a measure which can be called a law of violence, of persecution, and of hatred.

The third view is that taken by certain philosophical Radicals, some of whom are too sceptical to be sectarian in their anti-clericalism. Their view was set forth by M. Clemenceau in a remarkable speech in the Senate on November 23rd, 1905. He declared that the Chamber of Deputies, while professing to desire the denunciation

of the Concordat, had acted entirely in a Concordatory spirit; that the sole preoccupation of the promoters of the Bill was to conjure two dangers—the peril which threatened the State if it renounced its prerogatives, and the peril menacing the Church if those prerogatives were not surrendered to it. The real peril, M. Clemenceau declared, was that of maintaining a system of privilege for the authority of Rome in a régime of liberty.

I will not decide on the respective justice of those three views. What seems to me to be the most anomalous feature of the Act is that it is not a law of separation of Church and State. It is a law of re-establishment, under which the Church will eventually lose a revenue of nearly two millions sterling, receiving in compensation the right to nominate its own Bishops, who, in turn, will have the privilege of meeting in synods and councils. "With a great sum obtained I this freedom," might be the motto to set up in their Convocation-house, if indeed it was freedom that they had

procured. But it is not real liberty. The Concordatory spirit to which M. Clemenceau refers is visible in every line of the new Act. The difference between it and the statute or treaty of 1801, under which Church and State have lived at peace in France for a century, is that the Concordat was the work of a stupendous genius, and the Separation Law of ordinary mortal men.

On this impartial platform it would not be becoming for me to regret the denunciation of the Concordat, on political or religious grounds. But for another reason I may express my regret. It is the first important breach made in the great administrative edifice reared by Napoleon in his reconstruction of France after the Revolution, which has survived a century of revolutions and changes of régime, as the permanent framework of stable government.

APPENDIX I.

CONVENTION SOUSCRITE PAR LES PLÉNIPOTENTIAIRES A PARIS LE 15 JUILLET 1801, DÉSIGNÉ SOUS LE TITRE DE: CONCORDAT ENTRE PIE VII ET LE PREMIER CONSUL.

Sanctitas Sua Summus Pontifex Pius VII, atque Primus Consul Gallicæ Reipublicæ, in suos respective plenipotentiaros nominarunt:

Sanctitas Sua, Emûm Dominum Herculem Consalvi S. R. E. cardinalem diaconum S. Agathæ ad Suburram, suum a secretis Status; Josephum Spina archiepiscopum Corinthi, S. S. prælatum domesticum, ac Pontificio Solio assistentem, et Patrem Caselli theologum consultorem S.S... pariter munitos falcultatibus in bona et debita forma.

Primus Consul, cives Josephum Bonaparte consiliatum Status, Cretet consiliatum pariter Status, ac Bern'erium doctorem in S. theologia, parochum S. Laudi Andegavensis, plenis facultatibus munitos.

Qui post sibi mutuo tradita respectivæ plenipotentiæ instrumenta, de iis quæ sequuntur convenerunt.

Sa Sainteté le Souverain Pontife Pie VII et le Premier Consul de la République Française ont nommé pour leurs plénipotentiaires respectifs:

Sa Sainteté, S. Em., M^gr^ Hercule Consalvi, cardinal de la Sainte Eglise Romaine, diacre de Sainte-Agathe *ad Suburram*, son Secrétaire d'Etat; Joseph Spina, archevêque de Corinthe, prélat domestique de Sa Sainteté, assistant au trône pontifical, et le P. Caselli, théologien consultant de Sa Sainteté, pareillement munis des pouvoirs en bonne et due forme.

Le Premier Consul, les citoyens Joseph Bonaparte, conseiller d'Etat; Crétet conseiller d'Etat et Bernier, docteur en théologie, curé de Saint-Laud d'Angers, munis des pleins pouvoirs.

Lesquels, après l'échange des pleins pouvoirs respectifs, ont arrêté la convention suivante.

CONVENTIO INTER SUMMUM PONTIFICEM PIUM VII ET GUBERNIUM GALLICANUM.

Gubernium Reipublicæ recognoscit religionem catholicam apostolicam Romanam, eam esse religionem quam longe maxima pars civium Gallicanæ Reipublicæ profitetur.

Summus Pontifex pari modo recognoscit eamdem religionem maximam utilitatem, maximumque decus percepisse, et hoc quoque tempore præstolari ex Catholico cultu in Gallia constituto, nec non ex peculiari ejus professione quam faciunt Reipublicæ Consules.

Hæc cum ita sint, atque utrinque recognita, ad religionis bonum internæque tranquilitatis conservationem, ea quæ sequuntur inter ipsos conventa sunt.

ARTICULUS PRIMUS.

Religio catholica apostolica romana libere in Gallia exercebitur. Cultus publicus erit, habita tamen ratione ordinationum quoad politiam quas Gubernium pro publica tranquillitate necessarias existimabit.

ART. 2.

Ab Apostolica Sede, collatis cum Gallico Gubernio consiliis, novis finibus Galliarum diœceses circumscribentur.

CONVENTION ENTRE SA SAINTETÉ PIE VII ET LE GOUVERNEMENT FRANÇAIS.

Le Gouvernement de la République reconnaît que la religion catholique, apostolique et romaine est la religion de la grande majorité des citoyens français.

Sa Sainteté reconnaît également que cette même religion a retiré et attend encore en ce moment le plus grand bien et le plus grand éclat de l'établissement du culte catholique en France, et de la profession particulière qu'en font les Consuls de la République.

En conséquence, d'après cette reconnaissance mutuelle, tant pour le bien de la religion que pour le maintien de la tranquillite intérieure, ils sont convenus de ce qui suit.

ARTICLE PREMIER.

La religion catholique, apostolique et romaine sera librement exercée en France; son culte sera public, en se conformant aux règlements de police que le Gouvernement jugera nécessaires pour la tranquillité publique.

ART. 2.

Il sera fait par le Saint-Siège, de concert avec le Gouvernement, une nouvelle circumscription des diocèses français.

ART. 3.

Summus Pontifex titularibus gallicarum Ecclesiarum episcopis significabit se ab iis pro bono pacis et unitatis, omnia sacrificia firma fiducia expectare, eo non excepto quo ipsas suas episcopales sedes resignent.

Hac hortatione præmissa, si huic sacrificio quod Ecclesiæ bonum exigit renuere ipsi vellent (fieri id autem posse Summus Pontifex suo non reputat animo) gubernationibus gallicarum Ecclesiarum novæ circumscriptionis de novis titularibus providebitur eo qui sequitur modo.

ART. 4.

Consul Primus Gallicanæ Reipublicæ intra tres menses, qui promulgationem Constitutionis Apostolicæ consequentur, archiepiscopos et episcopos novæ circumscriptionis diœcesibus præficiendos nominabit. Summus Pontifex institutionem canonicam dabit, juxta formas, relate ad Gallias ante regiminis commutationem statutas.

ART. 5.

Item Consul Primus ad Episcopales sedes quæ in posterum vacaverint, novos antistites nominabit, iisque ut in articulo præcedenti constitutum est, Apostolica Sedes canonicam dabit institutionem.

ART. 3.

Sa Sainteté déclarera aux titulaires des évêchés français qu'elle attend d'eux avec une ferme confiance, pour le bien de la paix et de l'unité, toute espèce de sacrifice, même celui de leurs sièges.

Après cette exhortation, s'ils se refusaient à ce sacrifice commandé par le bien de l'Eglise(refus néanmoins auquel Sa Sainteté ne s'attend pas), il sera pourvu par de nouveaux titulaires au gouvernement des évêchés de la circonscription nouvelle de la manière suivante.

ART. 4.

Le Premier Consul de la République Française nommera, dans les trois mois qui suivront la publication de la bulle de Sa Sainteté, aux archevêchés et évêchés de la circonscription nouvelle. Sa Sainteté conférera l'institution canonique suivant les formes établies par rapport à la France avant le changement du Gouvernement.

ART. 5.

Les nominations aux évêchés qui vaqueront dans la suite seront également faites par le Premier Consul, et l'institution canonique sera donnée par le Saint-Siège en conformité de l'article précédent.

ART. 6.

Episcopi antequam munus suum gerendum suscipiant, coram Primo Consule juramentum fidelitatis emittent, quod erat in more ante regiminis commutationem, sequentibus verbis expressum.

"Ego juro et promitto ad sancta Dei Evangelia obedientiam, et fidelitatem Gubernio per constitutionem Gallicanæ Reipublicæ statuto. Item promitto me nullam communicationem habiturum, nulli consilio interfuturum, nullamque suspectam unionem, neque intra, neque extra conservaturum, quæ tranquillitati publicæ noceat, et si tam in diœcesi mea, quam alibi, noverim aliquid in Status damnum tractari, Gubernio manifestabo."

ART. 7.

Ecclesiastici secundi ordinis idem juramentum emittent coram auctoritatibus civilibus a Gallicano Gubernio designatis.

ART. 8.

Post divina officia in omnibus catholicis Galliæ templis sic orabitur:

"Domine salvam fac Rempublicam."

"Domine salvos fac Consules."

ART. 6.

Les évêques, avant d'entrer en fonction, prêteront directement entre les mains du Premier Consul, le serment de fidélité, qui était en usage avant le changement de Gouvernement, exprimé dans les termes suivants:

"Je jure et promets à Dieu sur les saints Evangiles de garder obéissance et fidélité au Gouvernement établi par la Constitution de la République Française. Je promets aussi de n'avoir aucune intelligence, de n'assister à aucun conseil, de n'entretenir aucune ligue, soit au dedans, soit au dehors, qui soit contraire à la tranquillité publique, et si, dans mon diocèse ou ailleurs, j'apprends qu'il se trame quelque chose au préjudice de l'Etat, je le ferai savoir au Gouvernement."

ART. 7.

Les ecclésiastiques du second ordre prêteront le même serment entre les mains des autorités civiles désignées par le Gouvernement.

ART. 8.

La formule de prière suivante sera récitée à la fin de l'office divin dans toutes les églises catholiques de France:

"Domine etc.

"Domine etc.

ART. 9.

Episcopi in sua quisque diœcesi novas parochias circumscribent; quæ circumscriptio suum non sortietur effectum, nisi postquam Gubernii consensus accesserit.

ART. 10.

Iidem episcopi ad parochias nominabunt, nec personas eligent nisi Gubernio acceptas.

ART. 11.

Poterunt iidem episcopi habere unum capitulum in cathedrali ecclesia, atque unum seminarium in sua quisque diœcesi sine dotationis obligatione ex parte Gubernii.

ART. 12.

Omnia templa metropolitana, cathedralia, parochialia, atque alia quæ non alienata sunt, cultui necessaria, episcoporum dispositioni tradentur.

ART. 13.

Sanctitas Sua pro pacis bono felicique religionis restitutione, declarat eos qui bona Ecclesiæ alienata acquisiverint, molestiam nullam habituros neque a se, neque a romanis pontificibus successoribus suis ac consequenter proprietas eorumdem bonorum, redditus et jura iis inhærentia immutabilia penes ipsos erunt, atque ab ipsis causam habentes.

ART. 9.

Les évêques feront une nouvelle circonscription des paroisses de leurs diocèses, qui n'aura d'effet que d'après le consentement du Gouvernement.

ART. 10.

Les évêques nommeront aux cures. Leur choix ne pourra tomber que sur des personnes agréées par le Gouvernement.

ART. 11.

Les évêques pourront avoir un chapitre dans leur cathédrale, et un séminaire pour leur diocèse, sans que le Gouvernement s'oblige à les doter.

ART. 12.

Toutes les églises métropolitaines, cathédrales, paroissiales et autres non aliénées, nécessaires au culte, seront mises à la disposition des évêques.

ART. 13.

Sa Sainteté pour le bien de la paix et l'heureux rétablissement de la religion catholique, déclare que ni Elle ni ses successeurs ne troubleront en aucune manière les acquéreurs des bien ecclésiastiques aliénés, et qu'en conséquence la propriété de ces mêmes biens, les droits et revenus y attachés demeureront incommutables entre leurs mains ou celles de leurs ayants cause.

ART. 14.

Gubernium Gallicanæ Reipublicæ in se recipit, tum episcoporum tum parochorum quorum diœceses atque parochias nova circumscriptio complectitur, sustentationem, quæ cujusque statum deceat.

ART. 15.

Idem Gubernium curabit ut catholicis in Gallia liberum sit, si libuerit, ecclesiis consulere novis fundationibus.

ART. 16.

Sanctitas Sua recognoscit in Primo Consule Gallicanæ Reipublicæ eadem jura ac privilegia quibus apud Sanctam Sedem fruebatur antiquum regimen.

ART. 17.

Utrique conventum est: quod in casu quo aliquis ex successoribus hodierni Primi Consulis catholicam Religionem non profiteretur, super juribus ac privilegiis in superiori articulo commemoratis, nec non super nominatione ad archiepiscopatus et episcopatus, respectu ipsius. nova conventio fiet.

Ratificationum mutua traditio Parisiis fiet quadraginta dierum spatio.

Datum Parisiis die decima quinta mensis Julii 1801.

ART. 14.

Le Gouvernement assurera un traitement convenable aux évêques et aux curés dont les diocèses et les cures seront compris dans la circonscription nouvelle.

ART. 15.

Le Gouvernement prendra également des mesures pour que les catholiques français puissent, s'ils le veulent, faire en faveur des Eglises des fondations.

ART. 16.

Sa Sainteté reconnaît au Premier Consul de la République Française les mêmes droits et prérogatives dont jouissait près d'Elle l'ancien Gouvernement.

ART. 17.

Il est convenu entre les parties contractantes que, dans le cas où quelqu'un des successeurs du Premier Consul actuel ne serait pas catholique, les droits et prérogatives mentionnés dans l'article ci-dessus et la nomination aux évêchés seront réglés par rapport à lui par une nouvelle convention.

Les ratifications seront échangées à Paris dans l'espace de quarante jours.

Fait à Paris, le 26 messidor de l'an IX de la République Française.

APPENDIX II.

LOI DU 18 GERMINAL AN X.

ARTICLES ORGANIQUES DU CULTE CATHOLIQUE.

TITRE PREMIER.

DU RÉGIME DE L'ÉGLISE CATHOLIQUE DANS SES RAPPORTS GÉNÉRAUX AVEC LES DROITS ET LA POLICE DE L'ÉTAT.

ARTICLE PREMIER. — Aucune bulle, bref, rescrit, décret, mandat, provision, signature servant de provision, ni autres expéditions de la cour de Rome, même ne concernant que les particuliers, ne pourront être reçus, publiés, imprimés, ni autrement mis à exécution sans l'autorisation du Gouvernement.

ART. 2.—Aucun individu se disant nonce, légat, vicaire ou commissaire apostolique, ou se prévalant de toute autre dénomination, ne pourra, sans la même autorisation, exercer, sur le sol français ni ailleurs, aucune fonction relative aux affaires de l'Eglise gallicane.

ART. 3.—Les décrets des synodes étrangers, même ceux des conciles généraux, ne pourront être publiés en France avant que le Gouvernement en ait examiné la forme, leur conformité avec les lois, droits et franchises de la République française, et tout ce qui, dans leur publication, pourrait altérer ou intéresser la tranquillité publique.

ART. 4.—Aucun concile national ou métropolitain, aucun synode diocésain, aucune assemblée délibérante n'a lieu sans la permission expresse du Gouvernement.

ART. 5. — Toutes les fonctions ecclésiastiques seront gratuites, sauf les oblations qui seraient autorisées et fixées par les règlements.

ART. 6.—Il y aura recours au Conseil d'Etat dans tous les cas d'abus de la part des supérieurs et autres personnes ecclésiastiques. Les cas d'abus sont : l'usurpation ou l'excès de pouvoir ; la contravention aux lois et règlements de la République ; l'infraction des règles consacrées par les canons reçus en France ; l'attentat aux libertés, franchises et coutumes de l'Eglise gallicane, et toute entreprise ou tout procédé qui, dans l'exercice du culte, peut compromettre l'honneur des citoyens, troubler arbitrairement leur conscience, dégénérer contre eux en oppression ou en injure, ou scandale public.

ART. 7.—Il y aura pareillement recours au Conseil d'Etat s'il est porté atteinte à l'exercice du culte et à la liberté que les lois et les règlements garantissent à ses ministres.

ART. 8.—Le recours comptera à toute personne intéressée. A défaut de plainte particulière, il sera exercé d'office par les préfets.

Le fonctionnaire public, l'ecclésiastique ou la personne qui voudra exercer ce recours adressera un

mémoire détaillé et signé au conseiller d'Etat chargé de toutes les affaires concernant les cultes, lequel sera tenu de prendre, dans le plus bref délai, tous les renseignements convenables ; et, sur son rapport, l'affaire sera suivie et définitivement terminée dans la forme administrative, ou renvoyée, selon l'exigence des cas, aux autorités compétentes.

TITRE II.

DES MINISTRES.

SECTION I.—*Dispositions générales.*

ART. 9.—Le culte catholique sera exercé sous la direction des archevêques et évêques dans leurs diocèses, et sous celle des curés dans leurs paroisses.

ART. 10.—Tout privilège portant exemption ou attribution de la jurisdiction épiscopale est aboli.

ART. 11.—Les archevêques et évêques pourront, avec l'autorisation du Gouvernement, établir dans leurs diocèses des chapitres cathédraux et des séminaires. Tous autres établissements ecclésiastiques sont supprimés.

ART. 12.—Il sera libre aux archevêques et évêques d'ajouter à leur nom le titre de citoyen ou celui de monsieur. Toutes autres qualifications sont interdites.

SECTION II.—*Des archevêques ou métropolitains.*

ART. 13.—Les archevêques consacreront et installeront leurs suffragants. En cas d'empêchement ou

de refus de leur part, ils seront suppléés par le plus ancien évêque de l'arrondissement métropolitain.

ART. 14.—Ils veilleront au maintien de la foi et la discipline dans les diocèses dependant de leur métropole.

ART. 15.—Ils connaîtront des réclamations et des plaintes contre la conduite et les décisions des évêques suffragants.

SECTION III.—*Des évêques, des vicaires généraux et des séminaires.*

ART. 16. — On ne pourra être nommé évêque avant l'âge de trente ans, et si on n'est originaire français.

ART. 17.—Avant l'expédition de l'arrêté de nomination, celui ou ceux qui seront proposés seront tenus de rapporter une attestation de bonnes vie et mœurs, expédiée par l'évêque dans le diocèse duquel ils auront exercé les fonctions du ministère ecclésiastique; et ils seront examinés sur leur doctrine par un évêque et deux prêtres qui seront commis par le Premier Consul, lesquels adresseront le résultat de leur examen au conseiller d'Etat chargé de toutes les affaires concernant les cultes.

ART. 18. — Le prêtre nommé par le Premier Consul fera les diligences pour rapporter l'institution du Pape.

Il ne pourra exercer aucune fonction avant que la bulle portant son institution ait reçu l'attache du

Gouvernement et qu'il ait prêté en personne le serment prescrit par la convention passée entre le Gouvernement français et le Saint-Siège.

Ce serment sera prêté au Premier Consul ; il en sera dressé procés-verbal par le Secrétaire d'Etat.

ART. 19.—Les évêques nommeront et institueront les curés ; néanmoins, ils ne manifesteront pas leur nomination et ils ne donneront l'institution canonique qu'après que cette nomination aura été agréée par le Premier Consul.

ART. 20.—Ils seront tenus de résider dans leurs diocèses ; ils ne pourront en sortir qu'avec la permission du Premier Consul.

ART. 21.—Chaque évêque pourra nommer deux vicaires généraux, et chaque archevêque pourra en nommer trois ; ils les choisiront parmi les prêtres ayant les qualités requises pour être évêques.

ART. 22.—Ils visiteront annuellement et en personne une partie de leur diocèse et, dans l'espace de cinq ans, le diocèse entier.

En cas d'empêchement légitime, la visite sera faite par un vicaire général.

ART. 23.—Les évêques seront chargés de l'organisation de leurs séminaires, et les règlements de cette organisation seront soumis à l'approbation du Premier Consul.

ART. 24.—Ceux qui seront choisis pous l'enseignement dans les séminaires souscriront la Déclaration

faite par le clergé de France en 1682 et publiée par un édit de la même année; ils se soumettront à enseigner la doctrine qui y est contenue, et les évêques adresseront une expédition en forme de cette soumission au conseiller d'Etat chargé de toutes les affaires concernant les cultes.

ART. 25.—Les évêques enverront toutes les années à ce conseiller d'Etat le nom des personnes qui étudieront dans les séminaires et qui se destineront à l'état ecclésiastique.

ART. 26.—Ils ne pourront ordonner aucun ecclésiastique s'il ne justifie d'une propriété produisant au moins un revenu annuel de 300 francs; s'il n'a atteint l'âge de vingt-cinq ans, et s'il ne réunit les qualités requises par les canons reçus en France.

Les évêques ne feront aucune ordination avant que le nombre des personnes à ordonner ait été soumis au Gouvernement, et par lui agréé.

SECTION IV.—*Des curés.*

ART. 27.—Les curés ne pourront entrer en fonctions qu'après avoir prêté entre les mains du préfet le serment prescrit par la convention passée entre le Gouvernement et le Saint-Siège. Il sera dressé procès-verbal de cette prestation par le secrétaire général et la préfecture, et copie collationnée leur en sera délivrée.

ART. 28.—Ils seront mis en possession par le curé ou le prêtre que l'évêque désignera.

ART. 29.—Ils seront tenus de résider dans leurs paroisses.

ART. 30.—Les curés seront immédiatement soumis aux évêques dans l'exercice de leurs fonctions.

ART. 31.—Les vicaires et desservants exerceront leur ministère sous la surveillance et la direction des curés.

Ils seront approuvés par l'évêque et révocables par lui.

ART. 32.—Aucun étranger ne pourra être employé dans les fonctions du ministère ecclésiastique sans la permission du Gouvernement.

ART. 33. — Toute fonction est interdite à tout ecclésiastique, même Français, qui n'appartient à aucun diocèse.

ART. 34.—Un prêtre ne pourra quitter son diocèse, pour aller desservir dans un autre, sans la permission de son évêque.

SECTION V.—*Des chapitres cathédraux et du gouvernement des diocèses pendant la vacance du siège.*

ART. 35. — Les archevêques et évêques qui voudront user de la faculté qui leur est donnée d'établir des chapitres ne pourront le faire sans avoir rapporté l'autorisation du Gouvernement, tant pour l'établissement lui-même que pour le nombre et le choix des ecclésiastiques destinés à les former.

ART. 36.—Pendant la vacance des sièges, il sera pourvu par le métropolitain et, à son défaut, par le plus ancien des évêques suffragants, au gouvernement des diocèses.

Les vicaires généraux de ces diocèses continueront leurs fonctions, même après la mort de l'évêque, jusqu'à remplacement.

ART. 37.—Les métropolitains, les chapitres cathédraux seront tenus, sans délai, de donner avis au Gouvernement de la vacance des sièges et des mesures qui auront été prises pour le gouvernement des diocèses vacants.

ART. 38.—Les vicaires généraux qui gouvernent pendant la vacance, ainsi que les métropolitains ou capitulaires, ne se permettront aucune innovation dans les usages et coutumes des diocèses.

TITRE III.

DU CULTE.

ART. 39. — Il n'y aura qu'une liturgie et un catéchisme pour toutes les églises catholiques de France.

ART. 40.—Aucun curé ne pourra ordonner des prières publiques extraordinaires dans sa paroisse sans la permission spéciale de l'évêque.

ART. 41. — Aucune fête, à l'exception du dimanche, ne pourra être établie sans la permission du Gouvernement.

ART. 42.—Les ecclésiastiques useront, dans les cérémonies religieuses, des habits et des ornements convenables à leur titre ; ils ne pourront, dans aucun cas ni sous aucun prétexte, prendre la couleur et les marques distinctives réservées aux évêques.

ART. 43.—Tous les ecclésiastiques seront habillés à la française et en noir.* Les évêques pourront joindre à ce costume la croix pastorale et les bas violets.

ART. 44.—Les chapelles domestiques, les oratoires particuliers ne pourront être établis sans une permission expresse du Gouvernement accordée sur la demande de l'évêque.

ART. 45.—Aucune cérémonie religieuse n'aura lieu hors des édifices consacrés au culte catholique, dans les villes où il y a des temples destinés à différents cultes.

ART. 46. — Le même temple ne pourra être consacré qu'à un même culte.

ART. 47. — Il y aura, dans les cathédrales et paroisses, une place distinguée pour les individus catholiques qui remplissent les autorités civiles ou militaires.

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* It is said that this provision made the wearing of the ordinary ecclesiastical costume, the *soutane*, &c., illegal during the century that the Organic Articles were in force and that it has become legal only since January 1, 1906. To be "habillé à la française" is to wear a dress somewhat like that of the Speaker of the House of Commons without his wig and gown.

ART. 48.—L'évêque se concertera avec le préfet pour régler la manière d'appeler les fidèles au service divin par le son des cloches. On ne pourra les sonner pour toute autre cause sans la permission de la police locale.

ART. 49. — Lorsque le Gouvernement ordonnera des prières publiques, les évêques se concerteront avec le préfet et le commandant militaire du lieu, pour le jour, l'heure et le mode d'exécution de ces ordonnances.

ART. 50.—Les prières solennelles appelées sermons, et celles connues sous le nom de stations de l'Avent et du Carême, ne seront faites que par des prêtres qui en auront obtenu une autorisation spéciale de l'évêque.

ART. 51. — Les curés, aux prônes des messes paroissiales, prieront et feront prier pour la prospérité de la République française et pour les Consuls.

ART. 52.—Ils ne se permettront, dans leurs instructions, aucune inculpation directe ou indirecte, soit contre les personnes, soit contre les autres cultes autorisés par l'Etat.

ART. 53.—Ils ne feront au prône aucune publication étrangère à l'exercice du culte, à moins qu'ils n'y soient autorisés par le Gouvernement.

ART. 54.—Ils ne donneront la bénédiction nuptiale qu'à ceux qui justifieront, en bonne et due forme, avoir contracté leur mariage devant l'officier civil.

ART. 55.—Les registres tenus par les ministres du culte, n'étant et ne pouvant être relatifs qu'à l'administration des sacrements, ne pourront, dans aucun cas, suppléer les registres ordonnés par la loi pour constater l'état civil des Français.

ART. 56.—Dans tous les actes ecclésiastiques et religieux, on sera obligé de se servir du calendrier d'équinoxe établi par les lois de la République ; on désignera les jours par les noms qu'ils avaient dans le calendrier des solstices.

ART. 57.—Le repos des fonctionnaires publics sera fixé au dimanche.

TITRE IV.

DE LA CIRCONSCRIPTION DES ARCHEVÊCHÉS, DES ÊVÉCHÉS ET DES PAROISSES DES ÉDIFICES DESTINÉS AU CULTE, ET DU TRAITEMENT DES MINISTRES.

SECTION I.—*De la circonscription des archevêchés et des évêchés.*

ART. 58.—Il y aura en France dix archevêchés ou métropoles et cinquante évêchés.

ART. 59.—La circonscription des métropoles et des diocèses sera faite conformément au tableau ci-joint.*

SECTION II.—*De la circonscription des paroisses.*

ART. 60.—Il y aura au moins une paroisse par justice de paix. Il sera, en outre, établi autant de succursales que le besoin pourra l'exiger.

* This is omitted here, as being of no utility except to compare with the existing table of dioceses. (*See* page 76.)

ART. 61.—Chaque évêque, de concert avec le préfet, réglera le nombre et l'étendue de ces succursales. Les plans arrêtés seront soumis au Gouvernement et ne pourront être mis à exécution sans son autorisation.

ART. 62.—Aucune partie du territoire français ne pourra être érigée en cure et en succursale sans l'autorisation expresse du Gouvernement.

ART. 63.—Les prêtres desservant les succursales seront nommés par les évêques.

SECTION III.—*Du traitement des ministres.*

ART. 64.—Le traitement des archevêques sera de 15,000 francs.

ART. 65.—Le traitement des évêques sera de 10,000 francs.

ART. 66.—Les curés seront distribués en deux classes : le traitement des curés de la première classe sera porté à 1,500 francs ; celui des curés de la seconde classe, à 1,000 francs.

ART. 67. — Les pensions dont ils jouissent, en exécution des lois de l'Assemblée Constituante, seront précomptées sur leur traitement. Les conseils généraux des grandes communes pourront, sur leurs biens ruraux ou sur leurs octrois, leur accorder une augmentation de traitement, si les circonstances l'exigent.

ART. 68.—Les vicaires et desservants seront choisis parmi les ecclésiastiques pensionnés en exécution des lois de l'Assemblée Constituante.

Le montant de ces pensions et le produit des oblations formeront leur traitement.

ART. 69.—Les évêques rédigeront les projets de règlement relatifs aux oblations que les ministres du culte sont autorisés à recevoir pour l'administration des sacrements.

Les projets de règlement rédigés par des évêques ne pourront être publiés, ni autrement mis à exécution, qu'après avoir été approuvés par le Gouvernement.

ART. 70.—Tout ecclésiastique pensionnaire de l'Etat sera privé de sa pension s'il refuse, sans cause légitime, les fonctions qui pourront lui être confiées.

ART. 71.—Les conseils généraux de département sont autorisés à procurer aux archevêques et évêques un logement convenable.

ART. 72.—Les presbytères et les jardins attenants, non aliénés, seront rendus aux curés et aux desservants des succursales. A défaut de ces presbytères, les conseils des communes sont autorisés à leur procurer un logement et un jardin.

ART. 73.—Les immeubles, autres que les édifices destinés au logement, et les jardins attenants, ne pourront être affectés à des titres ecclésiastiques, ni possédés par les ministres du culte, à raison de leurs fonctions.

SECTION IV.—*Des édifices déstinés au culte.*

ART. 74.—Les édifices anciennement destinés au culte catholique, actuellement dans les mains de la nation, à raison d'un édifice par cure et par succursale, seront mis à la disposition des évêques par arrêtés de préfet du département.

Une expédition de ces arrêtés sera adressée au conseiller d'Etat chargé de toutes les affaires concernant les cultes.

ART. 75.—Il sera établi des fabriques pour veiller à l'entretien et la conservation des temples, à l'administration des aumônes.

ART. 76.—Dans les paroisses où il n'y aura point d'édifice disponible pour le culte, l'évêque se concertera avec le préfet pour la désignation d'un édifice convenable.

APPENDIX III.

LOI RELATIVE AU CONTRAT D'ASSOCIATION.
(1er JUILLET 1901.)

Le Sénat et la Chambres des députés ont adopté,

Le Président de la République promulgue la loi dont le teneur suit :

TITRE Ier.

ARTICLE PREMIER.—L'association est la convention par laquelle deux ou plusieurs personnes mettent en commun d'une façon permanente leurs connaissances ou leur activité dans un but autre que de partager des bénéfices. Elle est régie, quant à sa validité, par les principes généraux du droit applicables aux contrats et obligations.

ART. 2.—Les associations de personnes pourront se former librement sans autorisation ni déclaration préalables, mais elles ne jouiront de la capacité juridique que si elles se sont conformées aux dispositions de l'article 5.

ART. 3.—Toute association fondée sur une cause ou en vue d'un objet illicite, contraire aux lois, aux bonnes mœurs, ou qui aurait pour but de porter atteinte à l'intégrité du territoire national et à la forme républicaine du Gouvernement, est nulle et de nul effet.

ART. 4.—Tout membre d'une association qui n'est pas formée pour un temps déterminé peut s'en retirer en tout temps, après payement des cotisations échues et de l'année courante, nonobstant toute clause contraire.

ART. 5.—Toute association qui voudra obtenir la capacité juridique prévue par l'article 6 devra être rendue publique par les soins de ses fondateurs.

La déclaration préalable en sera faite à la préfecture du département ou à la sous-préfecture de l'arrondissement où l'association aura son siège social. Elle fera connaître le titre et l'objet de l'association, le siège des ses établissements et les noms, professions et domiciles de ceux qui, à un titre quelconque, sont chargés de son administration ou de sa direction. Il en sera donné récépissé.

Deux exemplaires des statuts seront joints à la déclaration.

Les associations sont tenues de faire connaître, dans les trois mois, tous les changements survenus dans leur administration ou direction, ainsi que toutes les modifications apportées à leurs statuts.

Ces modifications et changements ne sont opposables aux tiers qu'à partir du jour où ils auront été déclarés.

Les modifications et changements seront en outre consignés sur un registre spécial qui devra être présenté aux autorités administratives ou judiciairies chaque fois qu'elles en feront la demande.

ART. 6.—Toute association régulièrement déclarée peut, sans aucune autorisation spéciale, ester en justice, acquérir à titre onéreux, posséder et administrer, en dehors des subventions de l'Etat, des departements et des communes:

1° Les cotisations de ses membres ou les sommes au moyen desquelles ces cotisations ont été rédimées, ces sommes ne pouvant être supérieures à 500 francs;

2° Le local destiné à l'administration de l'association et à la réunion de ses membres;

3° Les immeubles strictement nécessaires à l'accomplissement du but qu'elle se propose.

ART. 7.—En cas de nullité prévue par l'article 3, la dissolution de l'association sera prononcée par le tribunal civil, soit à la requête de tout intéressé, soit à la diligence du ministère public.

En cas d'infraction aux dispositions de l'article 5, la dissolution pourra être prononcée à la requête de de tout intéressé ou du ministère public.

ART. 8.—Seront punis d'une amende de 16 à 200 francs, et, en cas de récidive, d'une amende double, ceux qui auront contrevenu aux dispositions de l'article 5.

Seront punis d'une amende de 16 à 5,000 francs et d'un emprisonnement de six jours à un an, les fondateurs, directeurs ou administrateurs de l'association qui se serait maintenue ou reconstituée illégalement après le jugement de dissolution.

Seront punies de la même peine toutes les

personnes qui auront favorisé la réunion des membres de l'association dissoute, en consentant l'usage d'un local dont elles disposent.

ART. 9.—En cas de dissolution volontaire, statutaire ou prononcée par justice, les biens de l'association seront dévolus conformément aux status, ou, à défaut de disposition statutaire, suivant les règles déterminées en assemblée générale.

TITRE II.

ART. 10. — Les associations peuvent être reconnues d'utilité publique par décrets rendus en la forme des règlements d'administration publique.

ART. 11.—Ces associations peuvent faire tous les actes de la vie civile qui ne sont pas interdits par leurs statuts, mais elles ne peuvent posséder ou acquérir d'autres meubles que ceux nécessaires au but qu'elles se proposent. Toutes les valeurs mobilières d'une association doivent être placées en titres nominatifs.

Elles peuvent recevoir des dons et des legs dans les conditions prévues par l'article 910 du Code civil et l'article 5 de la loi du 4 février 1901. Les immeubles compris dans un acte de donation ou dans une disposition testamentaire qui ne seraient pas nécessaires au fonctionnement de l'association sont aliénés dans les délais et la forme prescrits par le décret ou l'arrêté qui autorise l'acceptation de la libéralité ; le prix en est versé à la caisse de l'association.

Elles ne peuvent accepter une donation mobilière ou immobilière avec réserve d'usufruit au profit du donateur.

ART. 12.—Les associations composées en majeure partie d'étrangers, celles ayant des administrateurs étrangers ou leur siège à l'étranger, et dont les agissements seraient de nature, soit à fausser les conditions normales du marché des valeurs ou des marchandises, soit à menacer la sûreté intérieure ou extérieure de l'Etat, dans les conditions prévues par les articles 75 à 101 du Code pénal, pourront être dissoutes par décret du président de la République rendu en Conseil des ministres.

Les fondateurs, directeurs ou administrateurs de l'association qui se serait maintenue ou reconstituée illégalement après le décret de dissolution, seront punis des peines portées par l'article 8, paragraphe 2.

TITRE III.

ART. 13. — Aucune congrégation religieuse ne peut se former sans une autorisation donnée par une loi qui déterminera les conditions de son fonctionnement.

Elle ne pourra fonder aucun nouvel établissement qu'en vertu d'un décret rendu en Conseil d'Etat.

La dissolution de la congrégation ou la fermeture de tout établissement pourront être prononcées par décret rendu en Conseil des ministres.

ART. 14. — Nul n'est admis à diriger, soit directement, soit par personne interposée, un établissement d'enseignement de quelque ordre qu'il soit, ni à y donner l'enseignement, s'il appartient à une congrégation religieuse non autorisée.

Les contrevenants seront punis des peines prévues par l'article 8, paragraphe 2. La fermeture de l'établissement pourra en outre être prononcée par le jugement de condamnation.

ART. 15.—Toute congrégation religieuse tient un état de ses recettes et de ses dépenses ; elle dresse chaque année le compte financier de l'année écoulée et l'état inventaire de ses biens meubles et immeubles.

La liste complète de ses membres, mentionnant leur nom patronymique ainsi que le nom sous lequel ils sont désignés dans la congrégation, leur nationalité, âge et lieu de naissance, la date de leur entrée, doit se trouver au siège de la congrégation.

Celle-ci est tenue de représenter sans déplacement, sur toute réquisition du préfet, à lui-même ou à son délégué, les comptes, états et listes ci-dessus indiqués.

Seront punis des peines portées au paragraphe 2 de l'article 8 les représentants ou directeurs d'une congrégation qui auront fait des communications mensongères ou refusé d'obtempérer aux réquisitions du préfet dans le cas prévu par le présent article.

ART. 16.—Toute congrégation formée sans autorisation sera déclarée illicite.

Ceux qui en auront fait partie seront punis des peines édictées à l'article 8, paragraphe 2.

La peine applicable aux fondateurs ou administrateurs sera portée au double.

ART. 17.—Sont nuls tous actes entre vifs ou testamentaires, à titre onéreux ou gratuit, accomplis directement, soit par personne interposée, ou toute autre voie indirecte, ayant pour effet de permettre aux associations légalement ou illégalement formées de se soustraire aux dispositions des articles 2, 6, 9, 11, 13, 14 et 16.

Sont légalement présumées personnes interposées au profit des congrégations religieuses, mais sous réserve de la preuve contraire :

1° Les associés à qui ont été consenties des ventes ou fait des dons ou legs, à moins, s'il s'agit de dons ou legs, que le bénéficiaire ne soit l'héritier en ligne directe du déposant ;

2° L'associé ou la Société civile ou commerciale, composée en tout ou partie de membres de la congrégation, propriétaire de tout immeuble occupé par l'association ;

3° Le propriétaire de tout immeuble occupé par l'association, après qu'elle aura été déclarée illicite.

La nullité pourra être prononcée soit à la diligence du ministère public, soit à la requête de tout intéressé.

ART. 18.—Les congrégations existantes au moment de la promulgation de la présente loi, qui n'auraient

pas été antérieurement autorisées ou reconnues, devront, dans le délai de trois mois, justifier qu'elles ont fait les diligences nécessaires pour se conformer à ses prescriptions.

A défaut de cette justification, elles sont réputées dissoutes de plein droit. Il en sera de même des congrégations auxquelles l'autorisation aura été refusée.

La liquidation des biens détenus par elles aura lieu en justice. Le tribunal, à la requête du ministère public, nommera, pour y procéder, un liquidateur qui aura, pendant toute la durée de la liquidation, tous les pouvoirs d'un administrateur séquestre.

Le jugement ordonnant la liquidation sera rendu public dans la forme prescrite pour les annonces légales.

Les biens et valeurs appartenant aux membres de la congrégation antérieurement à leur entrée dans la congrégation, ou qui leur seraient échus depuis, soit par succession *ab intestat*, en ligne directe ou collatérale, soit par donation ou legs en ligne directe, leur seront restitués.

Les dons et legs qui leur auraient été faits autrement qu'en ligne directe pourront être également revendiqués, mais à charge par les bénéficiaires de faire la preuve qu'ils n'ont pas été les personnes interposées prévues par l'article 17.

Les biens et valeurs acquis à titre gratuit et qui n'auraient pas été spécialement affectés par l'acte de libéralité à une œuvre d'assistance pourront être

revendiqués par le donateur, ses héritiers ou ayants droit, ou par les héritiers ou ayants droit du testateur, sans qu'il puisse leur être opposé aucune prescription pour le temps écoulé avant le jugement prononçant la liquidation.

Si les biens et valeurs ont été donnés ou légués en vue de gratifier non les congréganistes, mais de pourvoir à une œuvre d'assistance, ils ne pourront être revendiqués qu'à charge de pourvoir à l'accomplissement du but assigné à la libéralité.

Toute action en reprise ou revendication devra, à peine de forclusion, être formée contre le liquidateur dans le délai de six mois à partir de la publication du jugement. Les jugements rendus contradictoirement avec le liquidateur et ayant acquis l'autorité de la chose jugée sont opposables à tous les intéressés.

Passé le délai de six mois, le liquidateur procédera à la vente en justice de tous les immeubles qui n'auraient pas été revendiqués ou qui ne seraient pas affectés à une œuvre d'assistance.

Le produit de la vente, ainsi que toutes les valeurs mobilières, sera déposé à la Caisse des dépôts et consignations.

L'entretien des pauvres hospitalisés sera, jusqu'à l'achèvement de la liquidation, considéré comme frais privilégiés de liquidation.

S'il n'y a pas de contestation ou lorsque toutes les actions formées dans le délai prescrit auront été jugées, l'actif net est réparti entre les ayants droit.

Le règlement d'administration publique visé par l'article 20 de la présente loi déterminera, sur l'actif resté libre après le prélèvement ci-dessus prévu l'allocation, en capital ou sous forme de rente viagère, qui sera attribuée aux membres da la congrégation dissoute qui n'auraient pas de moyens d'existence assurés, ou qui justifieraient avoir contribué à l'acquisition des valeurs mises en distribution par le produit de leur travail personnel.

ART. 19.—Les dispositions de l'article 463 du Code pénal sont applicables aux délits prévus par la présente loi.

ART. 20.—Un règlement d'administration publique déterminera les mesures propres à assurer l'exécution de la présente loi.

ART. 21.—Sont abrogés les articles 291, 292, 293, du Code pénal, ainsi que les dispositions de l'article 294 du même Code relatives aux associations; l'article 20 de l'ordonnance des 5–8 juillet 1820; la loi du 10 avril 1834; l'article 13 du décret du 28 juillet 1848; l'article 7 de la loi du 30 juin 1881; la loi du 14 mars 1872; le paragraphe 2, article 2, de la loi du 24 mai 1825; le décret du 31 janvier 1852, et généralement toutes les dispositions contraires à la présente loi.

Il n'est en rien dérogé pour l'avenir aux lois spéciales relatives aux syndicats professionnels, aux sociétiés de commerce et aux sociétés de secours mutuels.

APPENDIX IV.

LOI DU 9 DÉCEMBRE 1905 CONCERNANT LA SÉPARATION DES ÉGLISES ET DE L'ÉTAT.

Le Sénat et la Chambre des députés ont adopté,

Le Président de la République promulgue la loi dont le teneur suit :

TITRE Ier.

PRINCIPES.

Art. 1er.—La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l'intérêt de l'ordre public.

Art. 2.—La République ne reconnaît, ne salarie ni ne subventionne aucun culte. En conséquence, à partir du 1er janvier qui suivra la promulgation de la présente loi, seront supprimées des budgets de l'Etat, des départements et des communes, toutes dépenses relatives à l'exercice des cultes. Pourront toutefois être inscrites auxdits budgets les dépenses relatives à des services d'aumônerie et destinées à assurer le libre exercice des cultes dans les établissements publics, tels que lycées, collèges, écoles, hospices, asiles et prisons.

Les établissements publics du culte sont supprimés, sous réserve des dispositions énoncées à l'article 3.

TITRE II.

ATTRIBUTION DES BIENS.—PENSIONS.

Art. 3.—Les établissements dont la suppression est ordonnée par l'article 2 continueront provisoirement de fonctionner, conformément aux dispositions qui les régissent actuellement, jusqu'à l'attribution de leurs biens aux associations prévues par le titre IV et au plus tard jusqu'à l'expiration du délai ci-après.

Dès la promulgation de la présente loi, il sera procédé par les agents de l'administration des domaines à l'inventaire descriptif et estimatif :

1° Des biens mobiliers et immobiliers desdits établissements ;

2° Des biens de l'Etat, des départements et des communes dont les mêmes établissements ont la jouissance.

Ce double inventaire sera dressé contradictoirement avec les représentants légaux des établissements ecclésiastiques ou eux dûment appelés par une notification faite en la forme administrative.

Les agents chargés de l'inventaire auront le droit de se faire communiquer tous titres et documents utiles à leurs opérations.

Art. 4.—Dans le délai d'un an à partir de la promulgation de la présente loi, les biens mobiliers et immobiliers des menses, fabriques, conseils presbytéraux, consistoires et autres établissements publics du culte seront, avec toutes les charges et obligations

qui les grèvent et avec leur affectation spéciale, transférés par les représentants légaux de ces établissements aux associations qui, en se conformant aux règles d'organisation générale du culte dont elles se proposent d'assurer l'exercice, se seront légalement formées, suivant les prescriptions de l'article 19, pour l'exercice de ce culte dans les anciennes circonscriptions desdits établissements.

Art. 5.—Ceux des biens désignés à l'article précédent qui proviennent de l'Etat et qui ne sont pas grevés d'une fondation pieuse créée postérieurement à la loi du 18 germinal an X feront retour à l'Etat.

Les attributions de biens ne pourront être faites par les établissements ecclésiastiques qu'un mois après la promulgation du règlement d'administration publique prévu à l'article 43. Faute de quoi la nullité pourra en être demandée devant le tribunal civil par toute partie intéressée ou par le ministère public.

En cas d'aliénation par l'association cultuelle de valeurs mobilières ou d'immeubles faisant partie du patrimoine de l'établissement public dissous, le montant du produit de la vente devra être employé en titres de rente nominatifs ou dans les conditions prévues au paragraphe 2 de l'article 22.

L'acquéreur des biens aliénés sera personnellement responsable de la régularité de cet emploi.

Les biens revendiqués par l'Etat, les départements ou les communes ne pourront être aliénés, transformés

ni modifiés jusqu'à ce qu'il ait été statué sur la revendication par les tribunaux compétents.

Art. 6.—Les associations attributaires des biens des établissements ecclésiastiques supprimés seront tenues des dettes de ces établissements ainsi que de leurs emprunts sous réserve des dispositions du troisième paragraphe du présent article; tant qu'elle ne seront pas libérées de ce passif, elles auront droit à la jouissance des biens productifs de revenus qui doivent faire retour à l'Etat en vertu de l'article 5.

Le revenu global desdits biens reste affecté au payement du reliquat des dettes régulières et légales de l'établissement public supprimé, lorsqu'il ne se sera formé aucune association cultuelle apte à recueillir le patrimoine de cet établissement.

Les annuités des emprunts contractés pour dépenses relatives aux édifices religieux seront supportées par les associations en proportion du temps pendant lequel elles auront l'usage de ces édifices par application des dispositions du titre III.

Dans le cas où l'Etat, les départements ou les communes rentreront en possession de ceux des édifices dont ils sont propriétaires, ils seront responsables des dettes régulièrement contractées et afférentes auxdits édifices.

Art. 7. — Les biens mobiliers ou immobiliers grevés d'une affectation charitable ou de toute autre affectation étrangère à l'exercice du culte seront attribués, par les représentants légaux des éta-

blissements ecclésiastiques, aux services ou établissements publics ou d'utilité publique, dont la destination est conforme à celle desdits biens. Cette attribution devra être approuvée par le préfet du département où siège l'établissement ecclésiastique. En cas de non-approbation, il sera statué par décret en conseil d'Etat.

Toute action en reprise ou en revendication devra être exercée dans un délai de six mois à partir du jour où l'arrêté préfectoral ou le décret approuvant l'attribution aura été inséré au *Journal officiel.* L'action ne pourra être intentée qu'en raison de donations ou de legs et seulement par les auteurs et leurs héritiers en ligne directe.

Art. 8.—Faute par un établissement ecclésiastique d'avoir, dans le délai fixé par l'article 4, procédé aux attributions ci-dessus prescrites, il y sera pourvu par décret.

A l'expiration dudit délai, les biens à attribuer seront, jusqu'à leur attribution, placés sous séquestre.

Dans le cas où les biens attribués en vertu de l'article 4 et du paragraphe 1er du présent article seront, soit dès l'origine, soit dans la suite, réclamés par plusieurs associations formées pour l'exercice du même culte, l'attribution qui en aura été faite par les représentants de l'établissement ou par décret pourra être contestée devant le conseil d'Etat statuant au contentieux, lequel prononcera en tenant compte de toutes les circonstances de fait.

La demande sera introduite devant le conseil d'Etat, dans le délai d'un an à partir de la date du décret ou à partir de la notification, à l'autorité préfectorale, par les représentants légaux des établissements publics du culte, de l'attribution effectuée par eux. Cette notification devra être faite dans le délai d'un mois.

L'attribution pourra être ultérieurement contestée en cas de scission dans l'association nantie, de création d'association nouvelle par suite d'une modification dans le territoire de la circonscription ecclésiastique et dans le cas où l'association attributaire n'est plus en mesure de remplir son objet.

Art. 9.—A défaut de toute association pour recueillir les biens d'un établissement public du culte, ces biens seront attribués par décret aux établissements communaux d'assistance ou de bienfaisance situés dans les limites territoriales de la circonscription ecclésiastique intéressée.

En cas de dissolution d'une association, les biens qui lui auront été dévolus en exécution des articles 4 et 8 seront attribués par décret rendu en conseil d'Etat, soit à des associations analogues dans la même circonscription ou, à leur défaut, dans les circonscriptions les plus voisines, soit aux établissements visés au paragraphe 1er du présent article.

Toute action en reprise ou en revendication devra être exercée dans un délai de six mois à partir du jour où le décret aura été inséré au *Journal officiel.*

L'action ne pourra être intentée qu'en raison de donations ou de legs et seulement par les auteurs et leurs héritiers en ligne directe.

Art. 10.—Les attributions prévues par les articles précédents ne donnent lieu à aucune perception au profit du Trésor.

Art. 11.—Les ministres des cultes qui, lors de la promulgation de la présente loi, seront âgés de plus de soixante ans révolus et qui auront, pendant trente ans au moins, rempli des fonctions ecclésiastiques rémunérées par l'Etat, recevront une pension annuelle et viagère égale aux trois quarts de leur traitement.

Ceux qui seront âgés de plus de quarante-cinq ans et qui auront, pendant vingt ans au moins, rempli des fonctions ecclésiastiques rémunérées par l'Etat, recevront une pension annuelle et viagère égale à la moitié de leur traitement.

Les pensions allouées par les deux paragraphes précédents ne pourront pas dépasser 1,500 fr.

En cas de décès des titulaires, ces pensions seront réversibles, jusqu'à concurrence de la moitié de leur montant, au profit de la veuve et des orphelins mineurs laissés par le défunt et, jusqu'à concurrence du quart, au profit de la veuve sans enfants mineurs. A la majorité des orphelins, leur pension s'éteindra de plein droit.

Les ministres des cultes actuellement salariés par l'Etat, qui ne seront pas dans les conditions ci-dessus,

recevront, pendant quatre ans à partir de la suppression du budget des cultes, une allocation égale à la totalité de leur traitement pour la première année, aux deux tiers pour la deuxième, à la moitié pour la troisième, au tiers pour la quatrième.

Toutefois, dans les communes de moins de 1,000 habitants et pour les ministres des cultes qui continueront à y remplir leurs fonctions, la durée de chacune des quatre périodes ci-dessus indiquées sera doublée.

Les départements et les communes pourront, sous les mêmes conditions que l'Etat, accorder aux ministres des cultes actuellement salariés par eux des pensions ou des allocations établies sur la même base et pour une égale durée.

Réserve est faite des droits acquis en matière de pensions par application de la législation antérieure, ainsi que des secours accordés, soit aux anciens ministres des différents cultes, soit à leur famille.

Les pensions prévues aux deux premiers paragraphes du présent article ne pourront se cumuler avec toute autre pension ou tout autre traitement alloué, à titre quelconque, par l'Etat, les départements ou les communes.

La loi du 27 juin 1885, relative au personnel des facultés de théologie catholique supprimées, est applicable aux professeurs, chargés de cours, maîtres de conférences et étudiants des facultés de théologie protestante.

Les pensions et allocations prévues ci-dessus seront incessibles et insaisissables dans les mêmes conditions que les pensions civiles. Elles cesseront de plein droit en cas de condamnation à une peine afflictive ou infamante ou en cas de condamnation pour l'un des délits prévus aux articles 34 et 35 de la présente loi.

Le droit à l'obtention ou à la jouissance d'une pension ou allocation sera suspendu par les circonstances qui font perdre la qualité de Français, durant la privation de cette qualité.

Les demandes de pension devront être, sous peine de forclusion, formées dans le délai d'un an après la promulgation de la présente loi.

TITRE III.

DES ÉDIFICES DES CULTES.

Art. 12.—Les édifices qui ont été mis à la disposition de la nation et qui, en vertu de la loi du 18 germinal an X, servent à l'exercice public des cultes ou au logement de leurs ministres (cathédrales, églises, chapelles, temples, synagogues, archevêchés, évêchés, presbytères, séminaires), ainsi que leurs dépendances immobilières et les objets mobiliers qui les garnissaient au moment où lesdits édifices ont été remis aux cultes, sont et demeurent propriétés de l'Etat, des départements et des communes.

Pour ces édifices, comme pour ceux postérieurs à la loi du 18 germinal an X, dont l'Etat, les départe-

ments et les communes seraient propriétaires, y compris les facultés de théologie protestante, il sera procédé conformément aux dispositions des articles suivants.

Art. 13.—Les édifices servant à l'exercice public du culte, ainsi que les objets mobiliers les garnissant, seront laissés gratuitement à la disposition des établissements publics du culte, puis des associations appelées à les remplacer auxquelles les biens de ces établissements auront été attribués par application des dispositions du titre II.

La cessation de cette jouissance, et, s'il y a lieu, son transfert seront prononcés par décret, sauf recours au conseil d'Etat statuant au contentieux :

1° Si l'association bénéficiaire est dissoute ;

2° Si, en dehors des cas de force majeure, le culte cesse d'être célébré pendant plus de six mois consécutifs ;

3° Si la conservation de l'édifice ou celle des objets mobiliers classés en vertu de la loi de 1887 et de l'article 16 de la présente loi est compromise par insuffisance d'entretien, et après mise en demeure dûment notifiée du conseil municipal ou, à son défaut, du préfet ;

4° Si l'association cesse de remplir son objet ou si les édifices sont détournés de leur destination ;

5° Si elle ne satisfait pas soit aux obligations de l'article 6 ou du dernier paragraphe du présent article,

soit aux prescriptions relatives aux monuments historiques.

La désaffectation de ces immeubles pourra, dans les cas ci-dessus prévus, être prononcée par décret rendu en conseil d'Etat. En dehors de ces cas, elle ne pourra l'être que par une loi.

Les immeubles autrefois affectés aux cultes et dans lesquels les cérémonies du culte n'auront pas été célébrées pendant le délai d'un an antérieurement à la présente loi, ainsi que ceux qui ne seront pas réclamés par une association cultuelle dans le délai de deux ans après sa promulgation, pourront être désaffectés par décret.

Il en est de même pour les édifices dont la désaffectation aura été demandée autérieurement au 1er juin 1905.

Les établissements publics du culte, puis les associations bénéficiaires seront tenus des réparations de toute nature, ainsi que des frais d'assurance et autres charges afférentes aux édifices et aux meubles les garnissant.

Art. 14.—Les archevêchés, évêchés, les presbytères et leurs dépendances, les grands séminaires et facultés de théologie protestante seront laissés gratuitement à la disposition des établissements publics du culte, puis des associations prévues à l'article 13, savoir: les archevêchés et évêchés pendant une période de deux années; les presbytères dans les

communes où résidera le ministre du culte, les grands séminaires et facultés de théologie protestante pendant cinq années à partir de la promulgation de la présente loi.

Les établissements et associations sont soumis, en ce qui concerne ces édifices, aux obligations prévues par le dernier paragraphe de l'article 13. Toutefois ils ne seront pas tenus des grosses réparations.

La cessation de la jouissance des établissements et associations sera prononcée dans les conditions et suivant les formes déterminées par l'article 13. Les dispositions des paragraphes 3 et 5 du même article sont applicables aux édifices visés par le paragraphe 1[er] du présent article.

La distraction des parties superflues des presbytères laissés à la disposition des associations cultuelles pourra, pendant le délai prévu au paragraphe 1[er], être prononcée pour un service public par décret rendu en conseil d'Etat.

A l'expiration des délais de jouissance gratuite, la libre disposition des édifices sera rendue à l'Etat, aux départements ou aux communes.

Les indemnités de logement incombant actuellement aux communes, à défaut de presbytère, par application de l'article 136 de la loi du 5 avril 1884, resteront à leur charge pendant le délai de cinq ans. Elles cesseront de plein droit en cas de dissolution de l'association.

Art. 15.—Dans les départements de la Savoie, de la Haute-Savoie et des Alpes-Maritimes, la jouissance des édifices antérieurs à la loi 18 germinal an X, servant à l'exercice des cultes ou au logement de leurs ministres, sera attribuée par les communes sur le territoire desquelles ils se trouvent, aux associations cultuelles, dans les conditions indiquées par les articles 12 et suivants de la présente loi. En dehors de ces obligations, les communes pourront disposer librement de la propriété de ces édifices.

Dans ces mêmes départements, les cimetières resteront la propriété des communes.

Art. 16.—Il sera procédé à un classement complémentaire des édifices servant à l'exercice public du culte (cathédrales, églises, chapelles, temples, synagogues, archevêchés, évêchés, presbytères, séminaires), dans lequel devront être compris tous ceux de ces édifices représentant, dans leur ensemble ou dans leurs parties, une valeur artistique ou historique.

Les objets mobiliers ou les immeubles par destination mentionnés à l'article 13, qui n'auraient pas encore été inscrits sur la liste de classement dressée en vertu de la loi du 30 mars 1887, sont, par l'effet de la présente loi, ajoutés à ladite liste. Il sera procédé par le ministre de l'instruction publique et des beaux-arts, dans le délai de trois ans, au classement définitif de ceux de ces objets

dont la conservation présenterait, au point de vue de l'histoire ou de l'art, un intérêt suffisant. A l'expiration de ce délai, les autres objets seront déclassés de plein droit.

En outre, les immeubles et les objets mobiliers, attribués en vertu de la présente loi aux associations, pourront être classés dans les mêmes conditions que s'ils appartenaient à des établissements publics.

Il n'est pas dérogé, pour le surplus, aux dispositions de la loi du 30 mars 1887.

Les archives ecclésiastiques et bibliothèques existant dans les archevêchés, évêchés, grands séminaires, paroisses, succursales et leurs dépendances, seront inventoriées et celles qui seront reconnues propriété de l'Etat lui seront restituées.

Art. 17.—Les immeubles par destination classés en vertu de la loi du 30 mars 1887 ou de la présente loi sont inaliénables et imprescriptibles.

Dans le cas où la vente ou l'échange d'un objet classé serait autorisé par le ministre de l'instruction publique et des beaux-arts, un droit de préemption est accordé: 1° aux associations cultuelles; 2° aux communes; 3° aux départements; 4° aux musées et sociétés d'art et d'archéologie; 5° à l'Etat. Le prix sera fixé par trois experts que désigneront le vendeur, l'acquéreur et le président du tribunal civil.

Si aucun des acquéreurs visés ci-dessus ne fait usage du droit de préemption, la vente sera libre;

mais il est interdit à l'acheteur d'un objet classé de le transporter hors de France.

Nul travail de réparation, restauration ou entretien à faire aux monuments ou objets mobiliers classés ne peut être commencé sans l'autorisation du ministre des beaux-arts, ni exécuté hors de la surveillance de son administration, sous peine, contre les propriétaires, occupants ou détenteurs qui auraient ordonné ces travaux, d'une amende de seize à quinze cents francs (16 à 1,500 fr.).

Toute infraction aux dispositions ci-dessus ainsi qu'à celles de l'article 16 de la présente loi et des articles 4, 10, 11, 12 et 13 de la loi du 30 mars 1887 sera punie d'une amende de cent à dix mille francs (100 à 10,000 fr.) et d'un emprisonnement de six jours à trois mois, ou de l'une de ces deux peines seulement.

La visite des édifices et l'exposition des objets mobiliers classés seront publiques ; elles ne pourront donner lieu à aucune taxe ni redevance.

TITRE IV.

DES ASSOCIATIONS POUR L'EXERCICE DES CULTES.

Art. 18.—Les associations formées pour subvenir aux frais, à l'entretien et à l'exercice public d'un culte devront être constituées conformément aux articles 5 et suivants du titre I[er] de la loi du 1[er] juillet 1901. Elles seront, en outre, soumises aux prescriptions de la présente loi.

Art. 19.—Ces associations devront avoir exclusivement pour objet l'exercice d'un culte et être composées au moins :

Dans les communes de moins de 1,000 habitants, de sept personnes ;

Dans les communes de 1,000 à 20,000 habitants, de quinze personnes ;

Dans les communes dont le nombre des habitants est supérieur à 20,000, de vingt-cinq personnes majeures, domiciliées ou résidant dans la circonscription religieuse.

Chacun de leurs membres pourra s'en retirer en tout temps, après payement des cotisations échues et de celles de l'année courante, nonobstant toute clause contraire.

Nonobstant toute clause contraire des statuts, les actes de gestion financière et d'administration légale des biens accomplis par les directeurs ou administrateurs seront, chaque année au moins, présentés au contrôle de l'assemblée générale des membres de l'association et soumis à son approbation.

Les associations pourront recevoir, en outre des cotisations prévues par l'article 6 de la loi du 1er juillet 1901, le produit des quêtes et collectes pour les frais du culte, percevoir des rétributions :—pour les cérémonies et services religieux même par fondation ; pour la location des bancs et sièges ; pour la fourniture des objets destinés au service des

funérailles dans les édifices religieux et à la décoration de ces édifices.

Elles pourront verser, sans donner lieu à perception de droits, le surplus de leurs recettes à d'autres associations constituées pour le même objet.

Elles ne pourront, sous quelque forme que ce soit, recevoir des subventions de l'Etat, des départements ou des communes. Ne sont pas considérées comme subventions les sommes allouées pour reparations aux monuments classés.

Art. 20.—Ces associations peuvent, dans les formes déterminées par l'article 7 du décret du 16 août 1901, constituer des unions ayant une administration ou une direction centrale ; ces unions seront reglées par l'article 18 et par les cinq derniers paragraphes de l'article 19 de la présente loi.

Art. 21.—Les associations et les unions tiennent un état de leurs recettes et de leurs dépenses ; elles dressent chaque année le compte financier de l'année écoulée et l'état inventorié de leurs biens, meubles et immeubles.

Le contrôle financier est exercé sur les associations et sur les unions par l'administration de l'enregistrement et par l'inspection générale des finances.

Art. 22.—Les associations et unions peuvent employer leurs ressources disponibles à la constitution d'un fonds de réserve suffisant pour assurer les

frais et l'entretien du culte et ne pouvant en aucun cas recevoir une autre destination : le montant de cette réserve ne pourra jamais dépasser une somme égale, pour les unions et associations ayant plus de cinq mille francs (5,000 francs) de revenu, à trois fois et, pour les autres associations, à six fois la moyenne annuelle des sommes dépensées par chacune d'elles pour les frais du culte pendant les cinq derniers exercices.

Indépendamment de cette réserve, qui devra être placée en valeurs nominatives, elles pourront constituer une réserve spéciale dont les fonds devront être déposés, en argent ou en titres nominatifs, à la caisse des dépôts et consignations pour être exclusivement affectés, y compris les intérêts, à l'achat, à la construction, à la décoration ou à la réparation d'immeubles ou meubles destinés aux besoins de l'association ou de l'union.

Art. 23.—Seront punis d'une amende de seize francs (16 francs) à deux cents francs (200 francs) et, en cas de récidive, d'une amende double les directeurs ou administrateurs d'une association ou d'une union qui auront contrevenu aux articles 18, 19, 20, 21 et 22.

Les tribunaux pourront, dans le cas d'infraction au paragraphe 1[er] de l'article 22, condamner l'association ou l'union à verser l'excédent constaté aux établissements communaux d'assistance ou de bienfaisance.

Ils pourront, en outre, dans tous les cas prévus au paragraphe 1[er] du présent article, prononcer la dissolution de l'association ou de l'union.

Art. 24.—Les édifices affectés à l'exercice du culte appartenant à l'Etat, aux départements ou aux communes continueront à être exemptés de l'impôt foncier et de l'impôt des portes et fenêtres.

Les édifices servant au logement des ministres des cultes, les séminaires, les facultés de théologie protestante qui appartiennent à l'Etat, aux départements ou aux communes, les biens qui sont la propriété des associations et unions sont soumis aux mêmes impôts que ceux des particuliers.

Les associations et unions ne sont en aucun cas assujetties à la taxe d'abonnement ni à celle imposée aux cercles par l'article 33 de la loi du 8 août 1890, pas plus qu'à l'impôt de 4 p. 100 sur le revenu établi par les lois du 28 décembre 1880 et du 29 décembre 1884.

TITRE V.

POLICE DES CULTES.

Art. 25.—Les réunions pour la célébration d'un culte tenues dans les locaux appartenant à une association cultuelle ou mis à sa disposition sont publiques. Elles sont dispensées des formalités de l'article 8 de la loi du 30 juin 1881, mais restent placées sous la surveillance des autorités dans

l'intérêt de l'ordre public. Elles ne peuvent avoir lieu qu'après une déclaration faite dans les formes de l'article 2 de la même loi et indiquant le local dans lequel elles seront tenues.

Une seule déclaration suffit pour l'ensemble des réunions permanentes, périodiques ou accidentelles qui auront lieu dans l'année.

Art. 26.—Il est interdit de tenir des réunions politiques dans les locaux servant habituellement à l'exercice d'un culte.

Art. 27.—Les cérémonies, processions et autres manifestations extérieures d'un culte continueront à être réglées en conformité des articles 95 et 97 de la loi municipale du 5 avril 1884.

Les sonneries de cloches seront réglées par arrêté municipal, et, en cas de désaccord entre le maire et le président ou directeur de l'association cultuelle, par arrêté préfectoral.

Le règlement d'administration publique prévu par l'article 43 de la présente loi déterminera les conditions et les cas dans lesquels les sonneries civiles pourront avoir lieu.

Art. 28.—Il est interdit, à l'avenir, d'élever ou d'apposer aucun signe ou emblème religieux sur les monuments publics ou en quelque emplacement public que ce soit, à l'exception des édifices servant au culte, des terrains de sépulture dans les cimetières,

des monuments funéraires, ainsi que des musées ou expositions.

Art. 29.—Les contraventions aux articles précédents sont punies des peines de simple police.

Sont passibles de ces peines, dans le cas des articles 25, 26 et 27, ceux qui ont organisé la réunion ou manifestation, ceux qui y ont participé en qualité de ministres du culte et, dans le cas des articles 25 et 26, ceux qui ont fourni le local.

Art. 30. — Conformément aux dispositions de l'article 2 de la loi du 28 mars 1882, l'enseignement religieux ne peut être donné aux enfants âgés de six à treize ans, inscrits dans les écoles publiques, qu'en dehors des heures de classe.

Il sera fait application aux ministres des cultes qui enfreindraient ces prescriptions, des dispositions de l'article 14 de la loi précitée.

Art. 31.—Sont punis d'une amende de seize francs (16 fr.) à deux cents francs (200 fr.) et d'un emprisonnement de six jours à deux mois ou de l'une de ces deux peines seulement ceux qui, soit par voies de fait, violences ou menaces contre un individu, soit en lui faisant craindre de perdre son emploi ou d'exposer à un dommage sa personne, sa famille ou sa fortune, l'auront déterminé à exercer ou à s'abstenir d'exercer un culte, à faire partie ou à cesser de faire partie d'une association cultuelle,

à contribuer ou à s'abstenir de contribuer aux frais d'un culte.

Art. 32.—Seront punis des mêmes peines ceux qui auront empêché, retardé ou interrompu les exercices d'un culte par des troubles ou désordres causés dans le local servant à ces exercices.

Art. 33.—Les dispositions des deux articles précédents ne s'appliquent qu'aux troubles, outrages ou voies de fait, dont la nature ou les circonstances ne donneront pas lieu à de plus fortes peines d'après les dispositions du Code pénal.

Art. 34.—Tout ministre d'un culte qui dans les lieux où s'exerce ce culte, aura publiquement par des discours prononcés, des lectures faites, des écrits distribués ou des affiches apposées, outragé ou diffamé un citoyen chargé d'un service public sera puni d'une amende de cinq cents francs à trois mille francs (500 à 3,000 fr.) et d'un emprisonnement de un mois à un an, ou de l'une de ces deux peines seulement.

La vérité du fait diffamatoire, mais seulement s'il est relatif aux fonctions, poura être établie devant le tribunal correctionnel dans les formes prévues par l'article 52 de la loi du 29 juillet 1881. Les prescriptions édictées par l'article 65 de la même loi s'appliquent aux délits du présent article et de l'article qui suit.

Art. 35.—Si un discours prononcé ou un écrit affiché ou distribué publiquement dans les lieux où s'exerce le culte, contient une provocation directe à résister à l'exécution des lois ou aux actes légaux de l'autorité publique, ou s'il tend à soulever ou à armer une partie des citoyens contre les autres, le ministre du culte que s'en sera rendu coupable sera puni d'un emprisonnement de trois mois à deux ans, sans préjudice des peines de la complicité, dans le cas où provocation aurait été suivie d'une sédition, révolte ou guerre civile.

Art. 36.—Dans le cas de condamnation par les tribunaux de simple police ou de police correctionnelle en application des articles 25 et 26, 34 et 35, l'association constituée pour l'exercice du culte dans l'immeuble où l'infraction a été commise sera civilement responsable.

TITRE VI.

DISPOSITIONS GÉNÉRALES.

Art. 37.—L'article 463 du Code pénal et la loi du 26 mars 1891 sont applicables à tous les cas dans lesquels la présente loi édicte des pénalités.

Art. 38.—Les congrégations religieuses demeurent soumises aux lois des 1er juillet 1901, 4 décembre 1902 et 7 juillet 1904.

Art. 39.—Les jeunes gens, qui ont obtenu à titre d'élèves ecclésiastiques la dispense prévue par

l'article 23 de la loi du 15 juillet 1889, continueront à en bénéficier conformément à l'article 99 de la loi du 21 mars 1905, à la condition qu'à l'âge de vingt-six ans ils soient pourvus d'un emploi de ministre du culte rétribué par une association cultuelle et sous réserve des justifications qui seront fixées par un règlement d'administration publique.

Art. 40.—Pendant huit années à partir de la promulgation de la présente loi, les ministres du culte seront inéligibles au conseil municipal dans les communes où ils exerceront leur ministère ecclésiastique.

Art. 41.—Les sommes rendues disponibles chaque année par la suppression du budget des cultes seront réparties entre les communes au prorata du contingent de la contribution foncière des propriétés non bâties qui leur aura été assigné pendant l'exercice qui précédera la promulgation de la présente loi.

Art. 42.—Les dispositions légales relatives aux jours actuellement fériés sont maintenues.

Art. 43.—Un règlement d'administration publique rendu dans les trois mois qui suivront la promulgation de la présente loi déterminera les mesures propres à assurer son application.

Des règlements d'administration publique détermineront les conditions dans lesquelles la présente loi sera applicable à l'Algérie et aux colonies.

Art. 44.—Sont et demeurent abrogées toutes les dispositions relatives à l'organisation publique des

cultes antérieurement reconnus par l'Etat, ainsi que toutes dispositions contraires à la présente loi et notamment :

1° La loi du 18 germinal an X, portant que la convention passée le 26 messidor an IX entre le pape et le Gouvernement français, ensemble les articles organiques de ladite convention et des cultes protestants, seront exécutés comme des lois de la République ;

2° Le décret du 26 mars 1852 et la loi du 1er août 1879 sur les cultes protestants ;

3° Les décrets du 17 mars 1808, la loi du 8 février 1831 et l'ordonnance du 25 mai 1844 sur le culte israélite ;

4° Les décrets des 22 décembre 1812 et 19 mars 1859 ;

5° Les articles 201 à 208, 260 à 264, 294 du code pénal ;

6° Les articles 100 et 101, les paragraphes 11 et 12 de l'article 136 et l'article 167 de la loi du 5 avril 1884 ;

7° Le décret du 30 décembre 1809 et l'article 78 de la loi du 26 janvier 1892.

La présente loi, délibérée et adoptée par le Sénat et par la Chambre des députés, sera exécutée comme loi de l'Etat.

Fait à Paris, le 9 décembre 1905.

ÉMILE LOUBET.

Par le Président de la République :

Le président du conseil,
ministre des affaires étrangères,
ROUVIER.

Le ministre de l'instruction publique,
des beaux-arts et des cultes,
BIENVENU MARTIN.

Le ministre de l'intérieur,
F. DUBIEF.

Le ministre des finances,
P. MERLOU.

Le ministre des colonies,
CLÉMENTEL.

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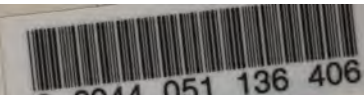
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